

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X	
JIMMIE MECCYA WILLIAMS,	:
	: Case No.: 05 Civ. 5909 (HB)
Plaintiff,	:
	:
vs.	: <b>DECLARATION OF JOSHUA R.</b>
	: <b>GELLER IN SUPPORT OF</b>
TADD LAZARUS, M.D., P.C., ET AL.	: <b>PLAINTIFF'S MOTION IN LIMINE</b>
	: <b>TO EXCLUDE EVIDENCE OF OR</b>
and	: <b>REFERENCE TO ANY PRIOR OR</b>
	: <b>SUBSEQUENT "BAD ACTS" BY OR</b>
ST CLARE'S HOSPITAL AND HEALTH	: <b>CRIMINAL CONVICTIONS OF</b>
CENTER,	: <b>PLAINTIFF</b>
	:
Defendants.	:
	:
	:
-----X	

I, Joshua R. Geller, submit this declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. I am an associate of the law firm Simpson Thacher & Bartlett LLP, counsel for Plaintiff Jimmie Meccya Williams in the above-captioned action. I make this declaration in support of Plaintiff's Motion in Limine to Exclude Evidence of or Reference to Any Prior or Subsequent "Bad Acts" by or Criminal Convictions of Plaintiff. I have personal knowledge of the facts stated herein, and, if called to testify as a witness, I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of the transcript of the November 17, 2006 deposition of Mr. Williams in this case.

3. On February 9, 2007, I spoke by telephone with Ms. Rachel Poritz, Esq. of the law firm of Silverson, Pareres & Lombardi LLP, counsel for Defendant St. Clare's Hospital and Health Center ("St. Clare's"). Ms. Poritz indicated to me that St. Clare's intends to introduce evidence of Mr. Williams' criminal convictions at the trial of this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 14, 2007

A handwritten signature in black ink, appearing to read "Joshua R. Geller", written over a horizontal line.

Joshua R. Geller

# **EXHIBIT A**

COPY

1 UNITED STATES DISTRICT COURT  
 2 SOUTHERN DISTRICT OF NEW YORK  
 3 -----X  
 4 JIMMIE MECCYA WILLIAMS,  
 5 Plaintiff,  
 6 05 Civ.5909  
 7 -against- (HB)  
 8 TADD LAZARUS and ST. CLARE'S HOSPITAL  
 9 and HEALTH CENTER,  
 10 -----X  
 11 Defendants.  
 12 November 17, 2006  
 13 10:05 A.M.

14  
 15 Deposition of JIMMIE MECCYA  
 16 WILLIAMS, taken by the Defendants,  
 17 pursuant to Court Order, held at the  
 18 offices of Simpson, Thacher & Bartlett,  
 19 LLP, 425 Lexington Avenue, New York, New  
 20 York 10017, before Joseph Meltsmacher, a  
 21 shorthand reporter and Notary Public  
 22 within and for the State of New York.  
 23  
 24  
 25

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(516) 785-4690

1  
 2 A P P E A R A N C E S :  
 3  
 4 SIMPSON, THACHER & BARTLETT, LLP  
 5 Attorneys for the Plaintiff  
 6 425 Lexington Avenue  
 7 New York, New York 10017  
 8 BY: JOSHUA GELLER, ESQ.  
 9 -and-  
 10 EMMA LINDSAY, ESQ.

11  
 12  
 13 SILVERSON, PARKER & LOMBARDI, LLP, ESQ.  
 14 Attorneys for Defendants  
 15 300 East 42nd Street  
 16 New York, New York 10017  
 17  
 18 BY: ROBERT SILVERSON, ESQ.  
 19  
 20  
 21  
 22  
 23  
 24  
 25

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1  
 2 IT IS HEREBY STIPULATED AND AGREED,  
 3 by and among the attorneys for the respective  
 4 parties here, that the sealing, filing and  
 5 certification of the within deposition be  
 6 waived; and that such deposition may be signed  
 7 and sworn to before any officer authorized to  
 8 administer an oath with the same force and  
 9 effect as if signed and sworn to before the  
 10 officer whom said deposition is taken;

11 IT IS FURTHER STIPULATED AND  
 12 AGREED, that all objections, except as to form,  
 13 are reserved to the trial;  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

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1 Williams  
 2 JIMMIE MECCYA WILLIAMS,  
 3 called as a witness, after having first been  
 4 duly sworn by a Notary Public of the State of  
 5 New York, was examined and testified as follows:

6 EXAMINATION BY  
 7 MR. SILVERSON:

8 Q. What is your name?

9 A. Jimmie Meccya Williams.

10 Q. Where do you reside?

11 A. 20 West Walnut Street, Richwood,  
 12 West Virginia 26261.

13 Q. Good morning Mr. Williams, I'm  
 14 going to be asking you some questions regarding  
 15 the matter of Williams against St. Clare's  
 16 Hospital and others.

17 If there is a question that I ask you  
 18 that you don't understand or that needs  
 19 repetition or clarification, please indicate  
 20 that to me and I'll try to rephrase the question  
 21 or ask another one.

22 If there is anything you don't understand  
 23 or you want to confer with your attorney for any  
 24 reason, please let me know and we'll stop the  
 25 deposition at that point.

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Williams 5

1 If you need a break for any reason please  
2 indicate that and we'll stop; is that  
3 understood?  
4  
5 A. Yes.  
6 Q. How long have you lived at the  
7 address that you've just given?  
8 A. I've lived at that address this  
9 particular time, since October of this year.  
10 Q. Prior to that, where did you live?  
11 A. 311 1/2 Highland Street, Beckley,  
12 West Virginia.  
13 Q. How long had you lived at that  
14 address?  
15 A. Seven months.  
16 Q. So that would be, if my math is  
17 correct, February or March of '05?  
18 A. Correct.  
19 Q. Somewhere in that time frame?  
20 A. Yes.  
21 Q. Is that a rental, is it an  
22 apartment or house?  
23 A. It's a one bedroom apartment over a  
24 two car garage.  
25 Q. Prior to that, where did you live?

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Williams 7

1 In that regard, there was reference in some of  
2 your medical records to an accident or an  
3 incident that occurred in 1984 regarding your  
4 arms or an injury to your arms or your upper  
5 body somewhere. Can you tell me something about  
6 that?  
7  
8 A. I have never had an accident in  
9 '84. Can you clarify?  
10 Q. Yes, I'll be glad to.  
11 There are some records, I believe from  
12 one of the prison facilities that you were in,  
13 by way of medical history that you gave,  
14 indicating that you had numbness in your arms  
15 and there was an on or about date of 1984. Does  
16 that refresh your memory as to whether or not  
17 you sustained any injury to your arms at that  
18 time or close to that time?  
19 A. In 1984 -- the only injury I  
20 sustained in 1984 was a burn that I obtained  
21 from doing construction.  
22 Q. I believe you were an iron worker  
23 at one point?  
24 A. Yes; that's correct.  
25 Q. In the '80s?

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Williams 6

1 A. P.O. Box 1, Huttonsville, West  
2 Virginia.  
3 Q. That's a Federal or state prison?  
4 A. It's a state prison.  
5 Q. When were you released from  
6 Huttonsville?  
7 A. August 8, 2005.  
8 Q. So from August 8 of 2005, you moved  
9 to Highland Street or somewhere else?  
10 A. Highland Street.  
11 Q. You then moved in October to  
12 Richwood, West Virginia; is that correct?  
13 A. That's correct.  
14 Q. Was that an apartment or a home?  
15 A. That's a home.  
16 Q. Do you own that home?  
17 A. That residence belongs to my  
18 mother.  
19 Q. Can I have your date of birth?  
20 A. 9/13/1963.  
21 Q. Your social security number?  
22 A. 089-56-5467.  
23 Q. Mr. Williams, I want to ask you  
24 some questions about your prior medical history.  
25

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Williams 8

1 A. Yes.  
2 Q. Did you ever have any injury  
3 on-the-job where you were disabled for any  
4 period of time during the 1980s, more  
5 specifically injury to your upper body or to  
6 your arms?  
7  
8 A. There was another incident, yes.  
9 Q. When was that?  
10 A. I can't remember exactly what time,  
11 but I remember there was another injury.  
12 Q. Can you describe for me in brief or  
13 in substance what that injury was?  
14 A. It was my upper back.  
15 What else do you want to know?  
16 Q. How did the injury occur?  
17 A. The injury occurred when we had to  
18 move a girder. Now a girder is a beam that is  
19 constructed with rebar. At this particular  
20 time, I was the foreman on the job. This beam  
21 was 60 feet long. And you use a crane to move  
22 it. And the injury that I sustained was because  
23 the beam -- when the crane picks it up, it's  
24 like spaghetti, because it's so long. And as we  
25 were setting the beam in it's form, I sustained

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Williams 9

1 an injury to my upper back.

2 Q. Did the beam strike some part of

3 your body?

4 A. The beam never touched me.

5 Q. Did you fall off, injuring your

6 back?

7 A. No. What happened, it was

8 basically trying to put a beam inside a girder.

9 And it's moving like spaghetti and it's 60 feet

10 long. And it's shaking. What happened, I would

11 say, that it like jerked my arm to where my

12 upper back was injured.

13 Q. Were you hospitalized or did you

14 receive medical treatment for the injury?

15 A. Therapy.

16 Q. When you say therapy, meaning

17 physical therapy?

18 A. Yes.

19 Q. For what period of time were you in

20 therapy, in terms of weeks or months?

21 A. In terms of weeks, six weeks.

22 Q. Did you file a workers'

23 compensation claim at that time for your injury?

24 A. No.

25

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Williams 11

1 Q. From, let's call it, 1985 to 1990

2 were you working in the construction field?

3 A. Yes.

4 Q. At any time during that period of

5 1985 to 1990, were you incarcerated for any

6 reason?

7 A. 1985 to 1990, no.

8 Q. In terms of your emotional health

9 during that time period, were you under the care

10 or treatment of any mental health professional,

11 either psychiatrist, psychologist or social

12 worker for any condition?

13 A. Absolutely not.

14 Q. Did there come a time in 1990, that

15 you were hospitalized for a suicide attempt?

16 A. Absolutely not.

17 Q. Did you ever tell anyone, either a

18 medical professional or psychiatrist or

19 psychologist, that you had been hospitalized and

20 treated for depression and attempted suicide by

21 taking an overdose of medication?

22 MR. GELLER: Object to the compound

23 question. You can answer if you

24 understand.

25

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Williams 10

1 Q. In terms of your arm, which arm was

2 it that was injured?

3 A. My right.

4 Q. The extent of the injury was that

5 arm casted, placed in a sling or anything else?

6 A. No.

7 Q. Can you describe, if you recall,

8 what sensations, if any, you were feeling in

9 your arm or something else?

10 A. Pain.

11 Q. Did the therapy help the arm?

12 A. Yes.

13 Q. Did you have any recurrence of

14 that injury in terms of future pain after that

15 six week period?

16 A. None.

17 Q. Do you recall, was it in the early

18 1980s somewhere, in terms of time?

19 A. On or around the year of '85.

20 Q. I'm still referring to the 1980s.

21 At any time during the 1980s up until 1990, were

22 you hospitalized for any medical condition?

23 A. Hospitalized for any medical

24 condition, no. I don't recall.

25

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Williams 12

1 MR. SILVERSON: Do you understand

2 the question?

3 Q. I can shorten it if you would like.

4 A. Please.

5 Q. You indicated you were not under

6 the care of a psychiatrist or a psychologist; is

7 that correct, in the 1990 area, 1989, 1990,

8 1991?

9 A. I was not under the care of any

10 psychiatrist or any other medical treatment

11 program.

12 Q. Did there come a time on or about

13 those dates, that you attempted suicide by

14 taking pills?

15 A. During what year?

16 Q. More specifically to 1990, but if

17 there is another time period that this occurred,

18 I'm asking you if you have any recollection of

19 that?

20 A. I have no recollection of ever

21 trying to commit suicide.

22 Q. Did you ever tell anyone, at any of

23 the correctional institutions that you were

24 housed at, that you had attempted suicide in

25

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1 Williams 13  
2 1990?  
3 A. Absolutely not.  
4 Q. From 1990 to 1993 were you still  
5 working in the field of construction?  
6 A. Repeat that question.  
7 MR. SILVERSON: Would you read it  
8 back.  
9 (Whereupon, the prior question was  
10 read back by the reporter.)  
11 A. Yes.  
12 Q. Where were you working, what part  
13 of the country?  
14 A. Dulles, West Virginia, outside of  
15 D.C.  
16 Q. During the years prior to that, had  
17 you worked for the same company or were you  
18 going to different jobs and working for  
19 different employers?  
20 A. I worked for the highest paid,  
21 highest bidder.  
22 Q. Were you a member of the iron  
23 workers union?  
24 A. Local 201.  
25 Q. Did there come a time in the 1990s

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1 Williams 14  
2 that you were arrested and convicted of a crime?  
3 A. I'm not sure.  
4 Q. By way of refreshing your  
5 recollection, were you incarcerated at Rikers  
6 Island in New York City on December 8, 1993; on  
7 or about that date?  
8 A. Yes.  
9 Q. What were you either arrested for  
10 and ultimately convicted of?  
11 A. I don't know.  
12 Q. Did there come a time that you were  
13 sentenced, based on either a conviction or by  
14 plea or by verdict to a term in jail?  
15 A. Do you have an idea of what that  
16 term was.  
17 Q. I do. From December 22 of 1993 to  
18 October of 1995, I believe starting at either  
19 Oneida Correction and to Downstate and then  
20 ultimately to Franklin.  
21 A. Yes, I remember.  
22 Q. Can you give me some detail of what  
23 you were convicted for and what your sentence  
24 was?  
25 MR. GELLER: That calls for a

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1 Williams 15  
2 narrative. Can you ask more specific  
3 questions.  
4 MR. SILVERSON: I can.  
5 Q. What were you convicted for?  
6 A. Welfare fraud.  
7 Q. Was that a felony?  
8 A. Yes.  
9 Q. Were you sentenced to a term in  
10 prison as a result of your plea to the welfare  
11 fraud?  
12 A. I was sentenced, yes.  
13 Q. What was your sentence?  
14 A. No less than 1, no more than 3.  
15 Q. Was this in New York State or  
16 someplace else?  
17 A. This was right here in Manhattan.  
18 Q. Where did you go by way of  
19 correctional facilities?  
20 A. I started out on Rikers Island.  
21 Next stop was Downstate. After Downstate, it  
22 was Oneida. After Oneida, I went to six months  
23 shock camp, where it was located I can't  
24 remember.  
25 Q. That was a confined facility?

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1 Williams 16  
2 A. It was program that you do six  
3 months, come out, do shock parole. I didn't  
4 want the program. After that, I went to  
5 Dannemora. After Dannemora I went to Franklin.  
6 From Franklin, I was released.  
7 Q. Do you recall your release date?  
8 A. No, I do not.  
9 Q. Would it refresh your memory if I  
10 told you it was in October of 1995?  
11 A. No, it would not. It would not  
12 refresh my memory.  
13 Q. Would it be in the year of 1995  
14 that you were released, you indicated it was a 1  
15 to 3 sentence?  
16 A. Yes.  
17 Q. Did you serve roughly two-thirds of  
18 that sentence?  
19 A. Yes.  
20 Q. Somewhere between 1994 and 1995 you  
21 were released, would that be a fair statement?  
22 A. I can't say if it would be fair.  
23 Q. Do you have any documents that  
24 would refresh your recollection?  
25 I'll leave a blank space in the

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1 Williams 17  
 2 transcript and request you fill in the date.  
 3 (INSERT)  
 4 Q. Do you have documents at home?  
 5 A. No, I do not.  
 6 Q. I'm just trying to establish when  
 7 you got out?  
 8 A. No.  
 9 Q. During the time that you were in  
 10 these various facilities, did you have any  
 11 medical problems at all?  
 12 A. I had blood in my urine.  
 13 Q. When was that?  
 14 A. That was when I was at shock. The  
 15 name of the facility I don't know.  
 16 Q. Did you receive medical treatment  
 17 for that condition?  
 18 A. No. I was just told not to work  
 19 out so hard.  
 20 Q. Did you have any complaints of  
 21 either chronic constipation or abdominal pain  
 22 during that time period?  
 23 A. Chronic constipation.  
 24 Q. When was that, if you can time  
 25 frame it; that was while you were in the

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1 Williams 19  
 2 that you hadn't had a bowel movement in 9 to 10  
 3 days, does that refresh your memory?  
 4 A. Yes.  
 5 Q. Did you also at that same time  
 6 indicate that you developed hemorrhoids as a  
 7 result of constipation?  
 8 A. I have never made the assumption of  
 9 having hemorrhoids. However, it was suggested  
 10 to me that that maybe the problem.  
 11 Q. Did you ever make a complaint to  
 12 anyone while at the correction facility with  
 13 regard to the constipation, regarding finding  
 14 blood in the toilet after you attempted to make  
 15 a bowel movement?  
 16 A. Yes.  
 17 Q. Was it after that that they told  
 18 you that it was possibly a hemorrhoidal  
 19 condition?  
 20 A. I can't answer that. I don't know.  
 21 Q. Also, in either years between 1993  
 22 and 1995 while incarcerated, did you make any  
 23 complaints of stomach pain and pain on the side  
 24 of your body regarding your liver?  
 25 A. The only time that I can recall

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1 Williams 18  
 2 facilities, correct?  
 3 A. The chronic constipation was during  
 4 the time that I was -- started around the time I  
 5 was at Oneida.  
 6 Q. Prior to that, did you have any  
 7 history in your background of having difficulty  
 8 with bowel movements or constipation?  
 9 A. Not that I can recall, no.  
 10 Q. So the condition started at Oneida  
 11 and then you were treated for the condition?  
 12 A. No.  
 13 Q. Did you take any medication to  
 14 relieve the constipation, such as milk of  
 15 magnesia or a laxative or something else?  
 16 A. Occasionally a laxative, yes.  
 17 Q. Did you ever make any complaints  
 18 during the time period you had this constipation  
 19 of hemorrhoids?  
 20 A. No.  
 21 Q. No, you didn't make any complaints,  
 22 or you don't recall?  
 23 A. No, I didn't make any complaints.  
 24 Q. Do you ever recall making a  
 25 complaint to someone at the correction facility

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1 Williams 20  
 2 making an issue of my stomach is during  
 3 constipation. The medical staff at Downstate  
 4 recommended that I do a liver biopsy.  
 5 Q. Why was that, if you know?  
 6 A. When you're incarcerated they don't  
 7 give you any information.  
 8 Q. Prior to that recommendation, did  
 9 you have a blood test, and they looked at how  
 10 the blood related to your liver functions?  
 11 A. I've had numerous blood tests.  
 12 Now, what they were in regards to, I don't know.  
 13 Q. Do you recall, I think, they had  
 14 scheduled a liver biopsy for you?  
 15 A. Yes.  
 16 Q. That was at St. Agnes Hospital in  
 17 White Plains?  
 18 A. It was at a hospital.  
 19 Q. Would it refresh your memory  
 20 whether it was St. Agnes Hospital in White  
 21 Plains or somewhere else, would that help you  
 22 remember?  
 23 A. I can tell you that they brought me  
 24 from the correctional facility. At the time, I  
 25 don't even remember what facility I was at.

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1 Williams 21

2 They brought me down to a regular public

3 hospital. Whether it was in White Plains, in

4 the Bronx, I do not know.

5 Q. Just let me stop you for a second.

6 Did you keep any memos or notes or records of

7 your medical treatment over the years?

8 A. No.

9 Q. Did you in fact go and have a liver

10 biopsy?

11 A. Yes.

12 Q. That was due to elevated liver

13 levels in your blood, would that be a fair

14 statement?

15 A. Could you repeat that question.

16 MR. SILVERSON: Could you read that

17 back.

18 [Whereupon, the prior question was

19 read back by the reporter.]

20 A. What is an elevated liver level?

21 Q. I'll ask you another question.

22 Did a doctor meet with you after you had

23 the liver biopsy in regard to what the biopsy

24 showed, if anything?

25 A. Yes.

J &amp; M REPORTING AGENCY

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1 Williams 23

2 diagnosed with Hepatitis C; who told you that

3 and when?

4 A. Downstate.

5 Q. What led them to that diagnosis; in

6 other words, were you complaining of pain in

7 your body somewhere or had they done routine

8 testing and discovered it or something else?

9 A. Blood in my urine.

10 Q. Was that what you had referred to

11 before when you mentioned it?

12 A. No. Before I mentioned it, if I'm

13 not mistaken, we was talking about when I was in

14 shock.

15 Q. From the shock camp?

16 A. Yes.

17 Q. This was before, while you were

18 incarcerated at Downstate?

19 A. Yes.

20 Q. Other than blood in your urine,

21 were there any other other symptoms that you had

22 before you received the diagnosis of Hepatitis

23 C?

24 A. I can't recall all the times that I

25 have had any ailments.

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1 Williams 23

2 Q. What do you recall the doctor

3 telling you about your liver?

4 A. He said that I need to eat healthy,

5 drink a lot of water, and any deterioration that

6 I've incurred to my liver would eventually heal

7 itself. But I had to start immediately, because

8 if I go -- if I continue, I could create

9 cirrhosis of the liver.

10 And then -- it wasn't a he, it was a she.

11 She said, that your liver can get holes inside.

12 Once fat grows inside those holes, that's when

13 you begin to get cirrhosis. But if you eat

14 healthy, drink a lot of liquids, healthy liquids

15 that is, that the liver is an organ that

16 refurbishes itself and you'll be fine.

17 Q. Were you diagnosed with any medical

18 condition after the biopsy of your liver?

19 A. I don't know. They never told me.

20 Q. Have you ever been diagnosed with

21 Hepatitis C?

22 A. I was told that I had Hepatitis C.

23 Then it was questionable when I was at

24 Huttonsville.

25 Q. If you can recall, when were you

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1 Williams 24

2 Q. I know it's a long time ago, but in

3 terms of your ability to function at Downstate

4 in terms of either a job that you may have had

5 there or work duty or whatever it might be, were

6 you put on any kind of limited details because

7 of the illness that you had?

8 A. Downstate is a 23 lockdown

9 facility.

10 Q. I'm not familiar with that.

11 That meant you were in your cell for 23

12 hours?

13 A. When you're in a 23 hour lockdown

14 facility there is no work.

15 Q. What, if any, treatment did they

16 give you for Hepatitis C?

17 A. None.

18 Q. What medications did they prescribe

19 for you, if any?

20 A. None.

21 Q. What medical advice did they give

22 you, if any, regarding your care of yourself

23 after the diagnosis of Hepatitis C?

24 A. I told you that.

25 Q. Eat healthy?

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1 Williams 25

2 A. Eat healthy and drink lots of

3 water.

4 Q. As of today, are you still

5 diagnosed with the condition of Hepatitis C?

6 A. As I said before, Huttonsville said

7 it was questionable. That they need to have a

8 panel test conducted, which I never had done.

9 Q. So you don't know?

10 A. I don't know.

11 Q. Mr. Williams, just so I have an

12 order of things, you went from Downstate

13 correctional to Oneida. Then to a six month

14 shock camp. Then to Dannemora and then to

15 Franklin; would that be a correct order of

16 things?

17 A. Pretty much, yes.

18 Q. This was all under the sentencing

19 of a 1 to 3 sentence; correct?

20 A. That's correct.

21 Q. Since this is basically a white

22 collar crime, was there a reason why you were in

23 a 23 hour lockdown, other than being in the

24 general population of the prison?

25 I'm sorry to have to ask these questions,

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1 Williams 27

2 A. That's correct.

3 Q. Since you were convicted basically

4 of a so called white collar crime, they wanted

5 to find out where you fit into the correctional

6 system, therefore transfer you to a prison that

7 would be appropriate for your rehabilitation, as

8 you put it?

9 A. Yes.

10 Q. That would explain the 6 month

11 shock camp didn't work out for you, because you

12 seem to have gone on to Dannemora after that?

13 A. That is correct.

14 Q. From Dannemora you went to

15 Franklin. Was there a reason for the transfer

16 between those two prisons?

17 A. Dannemora is a maximum security.

18 It's behind a wall.

19 Q. It seems inconsistent with the crime

20 that you committed that you would go to such a--

21 A. Actually it's not inconsistent.

22 Q. Could you explain?

23 A. You have to understand, these

24 prisons are right next to Canada.

25 They're so far up and to transport

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1 Williams 26

2 I apologize.

3 A. I have to elaborate on this one.

4 Apparently you all are not familiar with how

5 corrections operate.

6 When you're incarcerated -- when you're

7 sentenced to a correctional facility, a/k/a

8 penitentiary, you have to be classified. And

9 before this classification is conducted where

10 they give you a level, you're locked down.

11 Once you're classified, then they put you

12 in an area most conducive to what they call,

13 "rehabilitation." Now everyone who thresholds

14 the penal system goes through a lockdown.

15 Because you just can't put a person in prison

16 and he's not a violent criminal and put him with

17 violent criminals.

18 So once classification has been

19 completed, then they put you in what they would

20 consider an area that is safe and poses no

21 danger for you or to the people that are around

22 you.

23 Q. So that the lockdown wasn't because

24 of any infraction in prison or any conduct of

25 that nature?

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1 Williams 28

2 prisoners to these facilities, not only do you

3 have to have layovers sometimes, but in my

4 situation, they took me to Dannemora, to either

5 wait -- mind you, the correctional system, they

6 don't tell us anything. And I'm not guessing at

7 this, because during my research I realized this

8 was a fact. This is what happened. Dannemora

9 was just layover period. I only stayed there

10 for a few weeks, until a bed came open either at

11 Franklin or Berry Hill. Franklin and Berry Hill

12 are facilities that are next door to each other.

13 Q. That puts it in perspective for me.

14 When I've looked at these documents, it

15 seemed you were in a lot of places for a crime

16 where you got sentenced to a 1 to 3.

17 A. Right.

18 Q. Let me just get back to the

19 medical, Mr. Williams.

20 There are a number of hospitals that were

21 listed in your medical records. I'd like to ask

22 you a little bit about each one. If you don't

23 remember, that's fine. If not, maybe you can

24 explain it. There was a hospital called Alice

25 Hyde Hospital.

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1 Williams 29

2 A. Address?

3 Q. Alice Hyde Hospital, 115 Park

4 Street, Malone, New York 12953.

5 Does that refresh your recollection?

6 A. Do you know the time frame?

7 Q. I don't. Other than the fact that

8 there was some record of you being there for

9 some laboratory testing and I have a patient

10 number for you. But I thought perhaps that

11 would refresh your memory as to what you were in

12 the hospital for on that visit?

13 A. This is Malone, New York?

14 Q. Does it ring a bell?

15 A. No.

16 Q. How about Oneida Health Care

17 Center, Genesee Street, Oneida, New York?

18 That would be up near where the prison

19 was. Do you recall being hospitalized for any

20 reason or treating in the emergency room?

21 A. I recall blood in my urine.

22 Q. Do you recall being hospitalized

23 there or just going there for medical

24 consultation?

25 A. I just recall going there for

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(516) 785-4690

1 Williams 30

2 testing.

3 Q. You would obviously be transported

4 from prison to that place; is that correct?

5 A. Correct.

6 Q. How about Bassett Hospital of

7 Schoharie County, in Cobble Skill, New York.

8 Does that ring a bell as ever having been

9 treated there?

10 A. No, I don't recall going to there.

11 Maybe that's another individual.

12 Q. The hospitals that I'm giving you

13 Mr. Williams are all hospitals that there are

14 medical records that we've requested, where it's

15 been indicated that you received some type of

16 treatment at. And it was at the time you were

17 in upstate New York incarcerated.

18 So, we don't have the records as yet.

19 I'm trying to save time and not having to have a

20 further deposition, so that we can find out what

21 the treatments were, if any, at these particular

22 institutions.

23 So, the first one Oneida, you've

24 explained.

25 Alice Hyde Hospital you don't have any

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1 Williams 31

2 recollection.

3 Bassett Hospital, there was some

4 indication that you received some type of X-rays

5 and medical treatment there.

6 A. I don't recall.

7 Q. Do you have any records at home or

8 you gave to your attorney that would help you

9 refresh your memory?

10 A. No.

11 Q. How about Rome Hospital and Murphy

12 Memorial Hospital in Rome, New York; do you have

13 any recollection of ever being treated at that

14 hospital or hospitals?

15 A. I can only recall a substantial

16 amount of blood being in my urine. So that can

17 only be the reason.

18 Q. I'm going to ask you a little bit

19 later on in the deposition, there had been some

20 HIV testing while you were incarcerated during

21 that period of '93 to '95. Would that refresh

22 your memory as to one of these hospitals being

23 the facility where you received the HIV testing?

24 A. No. Any HIV testing that I

25 received were received at the correctional

J &amp; M REPORTING AGENCY

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1 Williams 32

2 facility.

3 Q. Finally, a hospital called Grand

4 Strand Regional Medical Center.

5 A. Located?

6 Q. Myrtle Beach, South Carolina.

7 A. That's when I got burned.

8 Q. Do you have a recollection of going

9 to the hospital at that time?

10 A. Yes.

11 Q. Was that while you were on the job?

12 A. Yes.

13 Q. Mr. Williams what is the extent of

14 your education, how far did you go in school?

15 A. As of when?

16 Q. As of the present.

17 A. I'm presently working on a

18 bachelor's in accounting.

19 Q. Where are you attending classes?

20 A. Mountain State University.

21 Q. That's in West Virginia?

22 A. Beckley, West Virginia.

23 Q. I assume you're a part-time

24 student, not full-time?

25 A. Full time.

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1 Williams 33

2 Q. You matriculated into a semester,

3 is it a semester or a trimester program?

4 A. Actually, this semester I wasn't

5 able to get in because of some situation that

6 happened, but I'm already scheduled for the

7 spring semester.

8 Q. Are you telling me you're

9 registered at the school to enter classes in

10 whatever spring means, January, February?

11 A. Yes.

12 Q. Is this your first exposure to

13 college or have you been at Mountain State

14 before this?

15 A. Yes.

16 Q. When were you in attendance?

17 A. The fall 2005.

18 Q. How many credits did you take and

19 how many did you complete?

20 A. Four.

21 Q. So you were not fully matriculated,

22 you were part-time?

23 A. That would be four classes.

24 Q. I was talking about credits.

25 A. Four classes is considered

J &amp; M REPORTING AGENCY

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1 Williams 35

2 diploma from high school or equivalency?

3 A. I have an equivalency.

4 MR. SILVERSON: I don't know if

5 it's relevant, if not already provided,

6 we would just like some authorizations to

7 validate educational aspects. We'll put

8 the request in writing as per the rules,

9 but just for the record.

10 On any document request, we'll

11 follow-up with a formal demand.

12 While I'm on it, we've already sent

13 you a request.

14 MR. GELLER: Yes. We have those

15 and we will be getting those to you

16 shortly.

17 MR. SILVERSON: We have previously

18 requested in writing from counsel,

19 authorization for Mr. Williams from

20 Oneida Health Care Center, Alice Hyde

21 Hospital Association, Bassett Hospital of

22 Schoharie County, Rome Hospital and Murphy

23 Memorial Hospital, St. Agnes Hospital,

24 Oneida Correctional Facility medical

25 records and Grand Strand Regional Medical

J &amp; M REPORTING AGENCY

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1 Williams 34

2 full-time.

3 Q. That would be from September to

4 December or September to January?

5 A. December.

6 Q. Would you be considered a freshman

7 student, in other words are you being considered

8 a first year student?

9 A. That was my second.

10 Q. You have completed one year of

11 college?

12 A. Yes.

13 Q. Where was that?

14 A. Fairmont State.

15 Q. What part of the country is that?

16 A. West Virginia.

17 Q. Mountain State has given you credit

18 for the first year of Fairmont State?

19 A. That's correct.

20 Q. You went to school full-time from

21 September to January of '05. And then from '05

22 to the present, you haven't started again, but

23 you will be starting in the spring?

24 A. Correct.

25 Q. I assume you have a high school

J &amp; M REPORTING AGENCY

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1 Williams 36

2 Center.

3 In addition we have asked for

4 records under Medicaid, any claims under

5 social security administration, Project

6 Return Foundation Incorporated, and the

7 New York State Department of Health

8 prescription plan, it's an RX plan

9 through the Department of Health.

10 MR. GELLER: We're in receipt of

11 the request.

12 Q. Mr. Williams, in reviewing some of

13 your records, it appears that you did attend

14 City College in New York City at one point?

15 A. Yes.

16 Q. In 1996?

17 A. Yes.

18 Q. So in addition to Fairmont State

19 you also attended City College. Was that

20 full-time or part-time?

21 A. Part-time.

22 Q. When I say City College I'm talking

23 about the City University of New York?

24 A. 135th and Amsterdam.

25 Q. That's the one?

J &amp; M REPORTING AGENCY

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Williams 37

A. That's the one.

Q. Mr. Williams, I'm going to ask you some information regarding your time either at Franklin Correctional Facility or one of the ones in the interim that you were transferred from and to, during the period 1993 to 1995.

The first thing I want to talk to you about is your HIV testing that you took at that institution. Your records indicate that in February of 1994, more specifically February 4, that you took a HIV test called an ELISA test, do you recall that?

A. I remember taking that test. I don't recall the time.

Q. In fact, while you were incarcerated these two tests were given at the institution, do you recall that at least two for HIV testing?

A. Yes.

Q. Do you recall the results of either of those tests?

A. Yes.

Q. What were the results?

A. Negative.

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Williams 39

You asked about treatment then you asked about problems.

Q. What I'd like to know, is find out if there were things in your background, either your childhood or teenage years that required intervention with either a psychiatrist, psychologist, mental health worker, social worker; was there anything in that period of time?

A. From the time that I was born up until now?

Q. The basis for my question is this, in your medical records there are references to this. If you can explain, if you would like me to be specific or you can give me a brief narrative?

A. I would like for you to be specific but, yes.

Q. Was there an incidence in your childhood where you either were an abused child or had some intervention with a psychologist for incidence that occurred in your home with your family?

A. Yes.

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Williams 38

Q. Was there a reason that the HIV test was given while you were in prison?

A. Specifically, to know the status of my health.

Q. Had you requested the test or is this part of the protocol for the hospital to give such a test, if you know?

A. That I could not answer.

Q. You in fact did take the two tests and both tests were negative?

A. That is correct.

Q. While in the correctional institutions, they do a psychological profile or examination of you while there?

A. Yes.

Q. In 1994, had you had any prior psychiatric history or care in your background at all?

A. Clarify.

Q. From birth to adulthood had you had any experiences or problems emotionally or mentally up and through 1994?

MR. GELLER: Objection. What's the question?

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Williams 40

Q. Can you tell me what that was and what care or treatment you received, if any?

I apologize for going into your background. It may or may not be painful to you, but we need to know about this.

A. In 1972 I was sent to Albany Home for Children. Let me clarify that. On or around 1972, I was sent to Albany Home for Children. During this period I was told that I was mentally retarded.

Q. When you say sent, was this something through your mother or father or was this a court intervening decision to get you there?

A. I have no idea.

Q. You ended up being away from home and put into this home?

A. Yes.

After that, I don't recall being in any other psychiatric institution.

Q. About how old were you?

A. I was 8 or 9 years old.

Q. How long were you there?

A. Approximately a year.

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Williams

41

Q. When released from there, did you return to your family?

A. Yes.

Q. What did your family consist of at that point?

A. What do you mean, what did it consist of?

Q. Was it your mother, your father, or mother and father or a relative or something else?

A. Like who was in the household?

Q. Yes.

A. One brother, one sister, my mother, stepfather and a dog named Butch.

Q. What kind of dog was it?

A. A boxer.

MR. GELLER: Off the record.

[Whereupon, a short recess was taken.]

Q. You returned home from Albany Home for Children and from that date forward, you were in school?

A. Very briefly.

Q. I'd say from 8 years to 18, for the

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Williams

42

next ten years, in very brief summary, can you tell me were you in any other institutions or under the care of a psychiatrist, psychologist or other medical?

A. Clarify those years?

Q. From age 8 to age 18.

A. From age 8 to 18 was I in any other institution--

Q. Or treated by a psychiatrist, psychologist or mental health professional?

A. Absolutely not.

Q. In terms of your schooling, did you finish grammar school, meaning first to eighth grade?

A. I didn't. I left school in fifth grade.

Q. This is all in West Virginia?

A. No. At this point I was living in Cornwall, New York, Cornwall off the Hudson.

Q. Leaving school in the fifth grade how old were you in fifth grade?

A. I was nine going on ten.

Q. In terms of requirements of the state to attend school, what did you do if you

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Williams

43

weren't going to school, were you just kept at home and home taught or something else?

A. I left home.

Q. You ran away?

A. Yes.

Q. Where did you run to?

A. Here, to the city?

Q. At age 9 with whom did you live or where did you live?

A. Wherever I could.

Q. Were you homeless at the time?

A. Very much so.

Q. Did you live in any shelters or any other places?

A. Nine year olds can't get into shelters.

Q. Nine year old, it's pretty hard to take care of yourself at nine. How did you survive?

A. You'd be surprised what a nine year old has to do when he has to survive. I survived the best I could.

Q. During that time period from 9 to age 18, were you ever arrested as a juvenile?

J &amp; M REPORTING AGENCY

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Williams

44

A. Between the ages of 9 and 18, that's very broad.

Q. Your attorney would usually say that.

What I'm trying to find out is, in those years did you ever return home to Cornwall, New York or did you remain in New York City?

A. Yes.

Q. You lived on your own or with somebody else?

A. I lived on my own for quite a bit of those years.

Q. I'm not going to take you through the experience, but was it pretty much living on the street; would that be a fair statement of your lifestyle at that point?

A. If you call living in a domicile that's a derelict building living on the street, that's pretty much.

Q. During those years, was there any involvement with either drugs or alcohol by yourself?

A. Yes.

Q. Were you ever treated for either

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1 Williams 45  
 2 alcohol or drug abuse during that time period?  
 3 MR. GELLER: Can you clarify the  
 4 time period.  
 5 MR. SILVERSON: From the age of 9  
 6 years old to 18.  
 7 A. No. We need to back up a little  
 8 bit. When you say treated, you mean was there  
 9 any documentation of my being treated.  
 10 Q. What I meant by treatment, let me  
 11 explain, is that if you were involved -- let's  
 12 start with drugs. Were you using drugs between  
 13 the ages of 9 and 18?  
 14 A. Yes.  
 15 Q. What drugs were you using?  
 16 A. Heroin.  
 17 Q. Were you using intravenous drugs or  
 18 something else?  
 19 A. Yes.  
 20 Q. Did you ever try to kick the habit  
 21 by going methadone or something else?  
 22 A. Absolutely not.  
 23 Q. You were on heroin for how long?  
 24 A. About four years.  
 25 Q. Did there come a time when you

J & M REPORTING AGENCY (516) 785-4690

1 Williams 47  
 2 Q. Were you a member at that time?  
 3 A. No.  
 4 Q. Did you come in contact with  
 5 members of the Nation of Islam that helped you  
 6 or gave you guidance in terms of your reduction  
 7 or non-use of heroin?  
 8 A. Repeatedly.  
 9 Q. Where was that, in New York City  
 10 here?  
 11 A. Here in the City.  
 12 Q. In terms of treatment was there any  
 13 medical treatment that you received or was this  
 14 just counseling and mentoring let's call it?  
 15 Do you understand what I mean?  
 16 A. Cold turkey.  
 17 Q. You were able to stop the use of  
 18 heroin?  
 19 A. Never used it again intravenously.  
 20 Q. In terms of your heroin use, did  
 21 you develop any medical conditions from the use  
 22 of heroin, either from the use of bad needles or  
 23 the drug itself?  
 24 A. None whatsoever.  
 25 Q. Did it have any effect on your

J & M REPORTING AGENCY (516) 785-4690

1 Williams 46  
 2 stopped using heroin?  
 3 A. Yes.  
 4 Q. Why was that?  
 5 A. I stopped using heroin because I  
 6 got tired of the lifestyle.  
 7 Q. Did you have any help in stopping  
 8 the use of the drugs and this is what I meant by  
 9 treatment, did you go to a drug treatment center  
 10 or a program of some kind?  
 11 MR. GELLER: That's a compound  
 12 question. Could you break it up.  
 13 Q. Did you go to a program?  
 14 A. No.  
 15 Q. Did you go to a treatment center?  
 16 A. No.  
 17 Q. Was there some other institution or  
 18 facility that helped you either reduce or stop--  
 19 A. No institution, no facility, but an  
 20 organization.  
 21 Q. What was that organization?  
 22 A. The National of Islam.  
 23 Q. Are you a member of the Nation of  
 24 Islam?  
 25 A. No.

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1 Williams 48  
 2 general health, as best as you can recall,  
 3 during that time period?  
 4 A. None whatsoever.  
 5 Q. Other than heroin, did you take any  
 6 other drugs during that time period?  
 7 A. Marijuana.  
 8 You are talking about what time period?  
 9 Q. In your teen years, when you were  
 10 in New York City living on your own.  
 11 A. Maybe alcohol, beer.  
 12 Q. That was going to be the next area.  
 13 Did you ever have a problem with the use of  
 14 alcohol, meaning alcohol abuse, to the extent  
 15 where it became a threat to your health?  
 16 A. Yes.  
 17 Q. When was that?  
 18 A. When was what?  
 19 Q. The alcohol abuse that became a  
 20 threat to your health.  
 21 A. Prior to becoming incarcerated at  
 22 those various facilities that you wrote down  
 23 recently.  
 24 Q. I have an idea of what I mean by  
 25 alcohol abuse. Can you tell me how you abused

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Williams 49

1 alcohol; what alcohol you drank, the amount,  
2 quantity?  
3  
4 A. The amount I couldn't tell you.  
5 well, I couldn't possibly. To give you an idea  
6 of the amount, that's sunup to sundown.  
7  
8 Q. You were intoxicated for a good  
9 part of the day to say the least?  
10  
11 A. I was intoxicated pretty much all  
12 the time. Yes.  
13  
14 Q. If you can give me a time frame of  
15 when, what years this covered or maybe it was  
16 less than a year you tell me, I don't know?  
17  
18 A. I can't.  
19  
20 Q. As a result of this, this was prior  
21 to your heroin use or after your heroin use?  
22  
23 A. After.  
24  
25 Q. As a result of that, of the alcohol  
abuse, did you develop any medical conditions  
that you required medical treatment for?  
A. The alcohol consumption was the  
factor that deteriorated my liver.  
Q. Was there any other effect on your  
body, either from the heroin or the alcohol  
abuse that you know of, that was told to you

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Williams 51

1 kind?  
2  
3 A. I was very much trained. In fact  
4 they used me to train some of their people, but  
5 they refused to let me get the full benefits of  
6 being in local 201.  
7  
8 Q. Why is that?  
9  
10 A. Probably because I'm an  
11 African-American.  
12  
13 Q. Didn't you tell me that program was  
14 to basically benefit minorities of getting into  
15 iron working business, by getting the benefits  
16 and work in the same pay scale without having to  
17 go through the union process?  
18  
19 A. If you're not going to have any  
20 union, what are you doing.  
21  
22 Q. You're part of this 201 local,  
23 which is a national local of some kind?  
24  
25 A. While I was working on certain  
jobs, yes.  
Q. The pay for an iron worker is  
pretty good?  
A. Yes.  
Q. It's one of the top construction  
fields?

J & M REPORTING AGENCY (516) 785-4690

Williams 50

1 medically?  
2  
3 A. None.  
4  
5 Q. Other than the liver?  
6  
7 A. Correct.  
8  
9 Q. Let's say, from 18 years of age to  
10 again, I apologize for not having the exact  
11 times. You were born in '63, from about 18 to  
12 let's say 30, you somehow got into the iron  
13 working business. How did that occur, you  
14 became a member of the local?  
15  
16 I've got you in New York to about 18  
17 years of age. There must come a time that you  
18 must leave New York to go back to West Virginia  
19 or somewhere else where, where you became an iron  
20 worker, is that correct?  
21  
22 A. I became an iron worker in South  
23 Carolina.  
24  
25 Q. When did you get your card?  
A. I didn't have a card. They had a  
program which you can -- local 201 is out of the  
Washington D.C. They had a program where  
minorities could receive the benefits without  
becoming a member and get the same pay scale.  
Q. Was it a training program of some

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Williams 52

1 A. Yes.  
2  
3 Q. It's also high risk, in terms of  
4 injury and so forth.  
5  
6 MR. GELLER: Is that a question.  
7  
8 MR. SILVERSON: Just a comment.  
9  
10 Q. Let me get back to the Franklin  
11 Correctional Facility. In June of 1994, there  
12 was some indication that you were suffering from  
13 depression and received some type of counseling  
14 at or in the institution or near the  
15 institution, while there.  
16  
17 MR. GELLER: Object to the form.  
18  
19 It assumes fact not in evidence.  
20  
21 Q. Does that refresh your recollection  
22 of whether you had a psychiatric evaluation  
23 while at Franklin Correctional or one of the  
24 other correctional facilities?  
25  
A. Every individual that goes into the  
division of correction goes through a  
psychiatric evaluation.  
Q. That consists of you speaking to  
psychiatrists or psychologists about your  
background and other information?  
A. It requires that we speak to

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Williams 53

1 someone in that profession. Whether they're  
2 psychologists, psychiatrists or an analyst. I  
3 don't know.  
4  
5 Q. You don't know their  
6 qualifications?  
7  
8 A. Exactly. Nor do they show us their  
9 credentials.  
10  
11 Q. Do they tell you or give you  
12 information as a result of that questioning, in  
13 that process?  
14  
15 A. Absolutely not.  
16  
17 Q. Do you know whether or not you were  
18 categorized into a particular level of  
19 psychiatric profile of some kind?  
20  
21 A. Absolutely not.  
22  
23 Q. Did you ever, while at those  
24 institutions between 1993 and 1995, ever  
25 indicate that you were suffering from  
depression?  
A. I have to elaborate on that one.  
Anyone who goes through the department of  
corrections and don't show any signs of  
depression, they're not normal. Because when  
you're away from society and your family, that

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(516) 785-4690

Williams 55

1 now, I'm just trying to find out if you have any  
2 history of emotional injuries that either have  
3 been exacerbated by this case or existed prior  
4 to this case.  
5  
6 There is an indication in your records  
7 that there have been discussions, either from  
8 the records or their interview of you, that  
9 indicated that you had contemplated taking your  
10 own life or had actually attempted to do that on  
11 occasion.  
12  
13 That's my question. Do you have any  
14 recollection of having that type of conversation  
15 with a medical professional, during the years of  
16 '93 to '95 while incarcerated?  
17  
18 A. Can I elaborate?  
19  
20 Q. Certainly.  
21  
22 A. The dialogue, basically that  
23 conversation with their mental staff there, they  
24 ask every individual that comes through those  
25 doors about committing suicide, because they need  
to know whether they need to keep them under  
close supervision. I have never been under  
close supervision, in a straight jacket. I have  
never been an area of any institution where I

J &amp; M REPORTING AGENCY

(516) 785-4690

Williams 54

1 is a depressive state.  
2  
3 Q. Other than that, being incarcerated  
4 and being taken out of society and being put in  
5 that environment, other than those factors, was  
6 there any other factors in either your prior  
7 life or that occurred in prison which caused you  
8 to suffer from depression?  
9  
10 A. Not that I can recall, no.  
11  
12 Q. Were you given any medication for  
13 this depression that you had in prison?  
14  
15 A. No.  
16  
17 Let me rephrase that. I don't recall  
18 taking any medication while incarcerated.  
19  
20 Q. For depression?  
21  
22 A. For depression.  
23  
24 Q. Do you recall either discussing  
25 with a medical professional the idea of taking  
your own life, committing suicide?  
A. See that's a very tricky question.  
You need to clarify that.  
Q. Mr. Williams, you are making claim  
against St. Clare's Hospital for their alleged  
negligence. As part of your claim you're  
claiming emotional injuries. By my questioning

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Williams 56

1 would be considered a risk to myself or anyone  
2 else.  
3  
4 So, if it's in the record that I said  
5 something to that effect, that I would take my  
6 life and they didn't put me under close  
7 observation, they're in grave error. And I was  
8 never in a position where I was under close  
9 supervision, period.  
10  
11 Q. You've answered part of my  
12 question. The other part was, did you tell any  
13 of these doctors or medical professionals, that  
14 in the past that you had contemplated, whether  
15 it be recent past or way back in your past, to  
16 commit suicide?  
17  
18 A. I may have discussed it with them.  
19 But I have never told anyone about taking my  
20 life.  
21  
22 Q. Did you ever relate an incident,  
23 whether it be when you were very young or in  
24 recent times while at Franklin, concerning  
25 taking an overdose of pills; intentionally  
taking an overdose of pills.  
MR. GELER: I object to the form.  
Could you read back the question. I

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1 Williams 57  
 2 don't understand the time frame.  
 3 MR. SILVERSON: Maybe I can explain  
 4 and let me rephrase it to save time.  
 5 Q. Again, the time I'm talking about  
 6 is when you were in jail from '93 to '95,  
 7 approximately.  
 8 During your discourse with a medical  
 9 doctor or medical professional about your  
 10 emotional background, did you at any time tell  
 11 anybody there that you had attempted to take  
 12 suicide by ingesting or taking an overdose of  
 13 pills; not that you were doing it in the prison,  
 14 but in the past?  
 15 A. I can't recall.  
 16 Q. Do you recall having any discussion  
 17 in January of 1994 while institutionalized,  
 18 regarding an infection that you developed which  
 19 they diagnosed as possibly tuberculosis?  
 20 A. What?  
 21 Q. Do you recall a test called a PPD  
 22 test, where they tested you for exposure to  
 23 tuberculosis?  
 24 A. Every time you go into an  
 25 institution they give you that test.

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1 Williams 59  
 2 for an ulcerated sore or sores that wouldn't  
 3 heal?  
 4 A. No.  
 5 Q. I believe at that time you were  
 6 still in jail, because the release date that we  
 7 have is late 1995.  
 8 So, I just have a medical record which  
 9 indicates that you had made a complaint of  
 10 ulceration of your legs and some problems with  
 11 your legs. If you don't recall, just indicate  
 12 that and I'll go on.  
 13 A. I don't recall.  
 14 MR. GELLER: Can we take a break.  
 15 (Whereupon, a short recess was  
 16 taken.)  
 17 Q. It seems from my records, and you  
 18 don't have to rely on that Mr. Williams, it  
 19 seems that you were released in October of 1995,  
 20 that's the date I have; October 10?  
 21 A. That's what I put down.  
 22 Q. The date of transfers from all  
 23 these facilities are a little unclear from the  
 24 records. For the purpose of this deposition,  
 25 would you agree that it would be sometime in

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1 Williams 58  
 2 Q. Do you recall having any  
 3 conversation with any medical doctor about the  
 4 results of that test?  
 5 A. I don't recall having a need to  
 6 discuss it with a doctor, anything regarding a  
 7 PPD test.  
 8 Let me elaborate. When they give you  
 9 that skin test, if the centimeters is large, you  
 10 got an issue, a large one. If you don't have no  
 11 redness there, what is there to discuss. I've  
 12 never had that.  
 13 Q. You do recall getting the test?  
 14 A. Every time.  
 15 Q. In close populations like that,  
 16 people can be carriers?  
 17 A. Right.  
 18 Q. Also, in terms of your lower  
 19 extremities, your legs. In or about January of  
 20 1995, did you ever have a problem with either  
 21 your calves or parts of your legs that had  
 22 ulcerations, sores?  
 23 A. I can't recall.  
 24 Q. More specifically on your right  
 25 calf, where you had to have medical treatment

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1 Williams 60  
 2 October of '95 that you got out of the prison  
 3 system from Franklin?  
 4 A. I would agree that it was in '95.  
 5 But I would not confirm the month.  
 6 Q. When one gets out of prison in  
 7 those days, did you have to go to a halfway  
 8 house or a program before you were let into a  
 9 free society?  
 10 A. No.  
 11 Q. You went directly, you were  
 12 released, you had served your sentence, there  
 13 was no probationary period after that; is that  
 14 correct?  
 15 A. In the State of New York during  
 16 that time, you have parole, mandatory parole.  
 17 Then you have a minimal discharge date and a  
 18 maximum discharge date.  
 19 I did not make parole. When I got out in  
 20 the year '95 that was mandatory parole. And I  
 21 achieved that by not getting any infractions.  
 22 Therefore, when that date come, it doesn't  
 23 matter whether I have a place to stay. It  
 24 doesn't matter whether I'm sick or dying, you're  
 25 gone. So it really doesn't matter, you're out.

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1 Williams 61  
 2 Q. When you got out Mr. Williams, how  
 3 would you describe your general health in 1995?  
 4 A. Euphoric.  
 5 Q. I know that was your mental  
 6 attitude, but in the terms of physical health,  
 7 how would you describe your physical health?  
 8 A. Fit. I was fit.  
 9 Q. What did you do when you got out,  
 10 where did you go to live?  
 11 A. I went to -- I was in Washington  
 12 Heights. The address I don't know.  
 13 Q. Was it an apartment, did you move  
 14 in with someone, was it a program facility or an  
 15 outreach program for people who were released?  
 16 A. It wasn't Washington Heights. 178  
 17 Mount Eden Parkway, Bronx, New York 10457.  
 18 Q. Was that an apartment?  
 19 A. That was a home.  
 20 Q. Meaning a private house?  
 21 A. Yes.  
 22 Q. Whose private house was that?  
 23 A. It belonged to Gina Huddelston.  
 24 Q. Who was Gina Huddelston?  
 25 A. She was my mother's half sister.

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1 Williams 63  
 2 814 Amsterdam Avenue?  
 3 A. That was after.  
 4 Q. So, you left Mount Eden Parkway and  
 5 you went where?  
 6 A. I got a room on 158th Street.  
 7 Q. Single room occupancy, SRO?  
 8 A. Beg your pardon?  
 9 Q. Single room occupancy or did you  
 10 rent an apartment or a room in an apartment?  
 11 A. It was a room inside of an  
 12 apartment.  
 13 Q. You continued to work at various  
 14 jobs or at a particular job?  
 15 A. As I said, I did some work with a  
 16 roofing company. Then I got involved in some --  
 17 I used to sell stuff down on Green Street down  
 18 near Canal. I would buy merchandise and go down  
 19 there and sell it on weekends. That's how I  
 20 supported myself. During that time I caught a  
 21 violation of my parole from the '93 to '95  
 22 conviction, which in turn resulted in my being  
 23 at Project Return.  
 24 Q. What was the violation of your  
 25 parole; what caused you to be there, not

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1 Williams 62  
 2 Q. Did you remain with her for a  
 3 period of time or did you move away?  
 4 A. Long enough to accumulate my own  
 5 funds, to get my own place.  
 6 Q. What kind of work did you do when  
 7 you first got out, during that first year?  
 8 A. I think I did some roofing work for  
 9 company out of Queens.  
 10 Q. Were you just a part-time employee  
 11 or something else?  
 12 A. I don't do construction part-time.  
 13 Its full-time.  
 14 Q. Were you on the books or off the  
 15 books?  
 16 A. It was both.  
 17 Q. Did you file tax returns?  
 18 A. No. I could have, but I don't  
 19 think that I did. I know I didn't do it, I  
 20 think I got fine for that, for not filing.  
 21 Q. Again, Mr. Williams correct me if  
 22 I'm wrong, your records seem to indicate that  
 23 when you left prison in '95, within a short  
 24 period of time thereafter you entered something  
 25 called Project Return drug program, located at

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1 Williams 64  
 2 reporting something or something else?  
 3 A. I couldn't answer that honestly. I  
 4 don't remember.  
 5 Q. It did require you to go into  
 6 Project Return as a result of the violation?  
 7 A. Yes. It wasn't serious enough for  
 8 me to go back to prison.  
 9 Q. Project Return, from our  
 10 information is a drug program?  
 11 A. Yes.  
 12 Q. Were you involved with drugs in  
 13 1995, that required you to go into a drug  
 14 program?  
 15 A. I think it was drugs or alcohol.  
 16 I'm not going to confirm either, because I don't  
 17 remember.  
 18 Q. Was it heroin again or something  
 19 else?  
 20 A. No. It was either drugs or  
 21 cocaine. I'm sorry, I mean alcohol or cocaine.  
 22 Q. As a result of going into the drug  
 23 program, that was a confined program where you  
 24 had to live there and you were released, you had  
 25 to stay there at night or it was a lockdown

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1 Williams 65  
 2 facility or something else?  
 3 A. No, it's not a lockdown facility.  
 4 It's actually pretty much voluntary, because you  
 5 can come and go as you pleased. It was a six  
 6 month program designed to help people  
 7 reintegrate themselves back into society.  
 8 The reason why they put emphasis on it  
 9 being a drug program, because most of the  
 10 individuals that come through there did have a  
 11 drug problem, but not all.  
 12 Q. While at Project Return, did any  
 13 medical conditions develop that required medical  
 14 intervention or for you to go see a doctor?  
 15 A. Spellman Clinic.  
 16 Q. When you say Spellman Clinic, are  
 17 you saying that a doctor referred you to  
 18 Spellman Clinic?  
 19 A. No. I'm saying that Spellman  
 20 Clinic had me under their treatment.  
 21 Q. How did you get from Project Return  
 22 to the Spellman Clinic; did you walk in off the  
 23 street to the Spellman Clinic or did somebody at  
 24 Project Return refer you or did a doctor refer  
 25 you or something else?

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1 Williams 67  
 2 elected to escort him to 415 West 51st Street,  
 3 St. Clare's Hospital and Health Center.  
 4 Q. If you know, what was Jose's  
 5 condition or medical problem which required him  
 6 to be escorted by you to the Spellman Clinic?  
 7 A. I did not have privilege to that  
 8 information.  
 9 MR. GELLER: I'm just going to  
 10 object to the form. Was the question  
 11 what was his condition that caused him to  
 12 be escorted?  
 13 MR. SILVERSON: If he knew,  
 14 apparently there was some patients that  
 15 could go voluntarily and others who  
 16 needed escort.  
 17 MR. GELLER: I just want to make  
 18 sure I understood the question.  
 19 A. I just told you that.  
 20 Q. Did he need physical assistance,  
 21 was he in a wheelchair, was he on crutches?  
 22 A. No. It was due to his  
 23 classification.  
 24 Q. Do you know what that  
 25 classification was?

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1 Williams 66  
 2 A. While at Project Return, there were  
 3 several individuals at Project Return who  
 4 brought patients at Spellman Clinic a/k/a St.  
 5 Clare's Hospital. These people were, I suppose,  
 6 busy this particular day and I had to take Jose,  
 7 to escort him to St. Clare's. His last name I  
 8 don't remember.  
 9 While there, I was asked to take some  
 10 test. Jose said, go ahead man take it, do a  
 11 physical or something to that effect. I had my  
 12 public assistance card with me, because as soon  
 13 as you go under Project Return, you are not  
 14 allowed to work. You immediately go on public  
 15 assistance medical, whatever they call,  
 16 Medicaid. I had my credentials on me. So I  
 17 gave them the credentials. They did the  
 18 paperwork. Next thing you know they extracted  
 19 blood.  
 20 Q. Let me just back up a little bit.  
 21 While at Project Return, somebody there asked  
 22 you to accompany Jose to Spellman Clinic?  
 23 A. Somebody, the staff, when you are  
 24 classified, certain people under certain  
 25 classifications have to be escorted and I was

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1 Williams 68  
 2 A. Yes. He has to be escorted where  
 3 he goes for a certain period of time.  
 4 Q. Do you know whether or not Jose,  
 5 was treating at Spellman for an AIDS related  
 6 disease, if you know?  
 7 A. Now let's back up, when you say did  
 8 I know, did I know at what point in time?  
 9 Q. At the time you took him.  
 10 A. No.  
 11 Q. Tell me, when you took him to the  
 12 hospital where in the hospital did you take  
 13 Jose?  
 14 A. To the third floor.  
 15 Q. What's on the third floor, if you  
 16 know?  
 17 A. When you go to the third floor--  
 18 Q. It's not the emergency room, is it?  
 19 A. No.  
 20 Q. It's another part of the hospital.  
 21 Do you know what department it is?  
 22 A. It's the area where they see people  
 23 with HIV AIDS related diseases.  
 24 Q. While you were there with Jose,  
 25 were you required to stay with him when he met

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Williams 69

1 with the medical professional, whoever he was  
2 going to see?  
3  
4 A. I was required to be with him  
5 everywhere except when he was in consultation.  
6  
7 Q. Do you recall whether Jose had a  
8 consultation that day?  
9  
10 A. That was the reason why I escorted  
11 him.  
12  
13 Q. Did you remain in the hospital  
14 while he had that consultation?  
15  
16 A. After we arrived there, he had to  
17 wait until the physician was available to see  
18 him. During this time he urged me to do some  
19 paperwork and take a test.  
20  
21 Q. This is on the third floor of St.  
22 Clare's which treats HIV patients. Mr.  
23 Williams, why would you want to take a test at  
24 that part of the hospital dealing with HIV  
25 patients?  
26  
27 A. First of all, let's get something  
28 understood here. I didn't know this was an HIV  
29 clinic, that was number one.  
30  
31 Number two, I just thought it was a  
32 medical facility that does physicals and stuff

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Williams 71

1  
2 Q. Did you have to fill out some  
3 forms?  
4  
5 A. Absolutely.  
6  
7 Q. When you filled out those forms,  
8 did you realize then that it was an HIV section  
9 of the hospital, that was testing for HIV?  
10  
11 A. I did not find out that that was an  
12 HIV clinic until approximately two weeks later.  
13  
14 Q. So even though you took Jose to the  
15 third floor, which you told me was an HIV  
16 section of the hospital and he was going for a  
17 consultation, you had no idea that either he was  
18 being treated for HIV or patients there were  
19 being treated for HIV?  
20  
21 A. I didn't even know he was HIV  
22 positive.  
23  
24 Q. I didn't say whether he was  
25 positive or negative. Did you at some time find  
26 out that he was HIV positive?  
27  
28 A. Everyone of them was being treated.  
29 I shouldn't say everyone, because I wasn't.  
30  
31 MR. GELLER: Could the court  
32 reporter read back the question that you  
33 just asked.

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Williams 70

1 of that nature.  
2  
3 Q. Were you suffering from any  
4 symptoms at that time, on that particular day  
5 that you took Jose?  
6  
7 A. Absolutely not.  
8  
9 Q. So what would be the reason for you  
10 wanting to take tests at a hospital without  
11 symptoms, without feeling sick, what would  
12 possess you to do that?  
13  
14 A. What possessed me to do that, just  
15 get a status of my health.  
16  
17 Q. When you went to the drug program,  
18 didn't they do a physical examination prior?  
19  
20 A. Absolutely not.  
21  
22 Q. Weren't your medical records  
23 available to the personnel at Project Return to  
24 determine what the status of your health was?  
25  
26 A. Repeat that.  
27  
28 Q. Let me ask another question.  
29 Did you wait for Jose that day after his  
30 consultation and then take these tests that you  
31 talked about, or was it before you went in for  
32 his consultation?  
33  
34 A. It was during his consultation.

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Williams 72

1 (Whereupon, the prior question was  
2 read back by the reporter.)  
3  
4 MR. GELLER: Do you understand the  
5 question?  
6  
7 MR. SILVERSON: The question was,  
8 did he find out that Jose was HIV  
9 positive.  
10  
11 MR. GELLER: What's the time period  
12 for the question?  
13  
14 MR. SILVERSON: That day he went  
15 there with Jose, that's the only time  
16 period.  
17  
18 A. No, I did not.  
19  
20 Q. When you filled out the forms, did  
21 you indicate any symptoms that you were  
22 suffering at that time to be tested at St.  
23 Clare's Hospital on that particular day?  
24  
25 A. Mr. Silverson, I don't recall  
26 filling out the forms myself. I do recall  
27 having someone ask me questions while filling  
28 out the forms. Neither they or anyone else  
29 indicated to me the status or the practice of  
30 this particular area of the hospital.  
31  
32 Q. Mr. Williams, prior to the time

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Williams

73

that you went to St. Clare's on that particular day, did you have knowledge of what HIV and AIDS was, in terms of a disease?

A. Like any other person of ignorance, I just thought it was a disease that homosexuals and intravenous drug users get and people who are careless and promiscuous.

Q. You knew that because you had been tested in the prison, you had taken an HIV test?

A. I knew that because of the -- I knew that information because of general information.

Q. You also knew when you got out of prison and while in prison that having been tested for HIV you were found to be negative for HIV?

A. Correct.

Q. So my question to you now is, when you went to St. Clare's on that day with Jose, what was the purpose of you, number one, filling out forms to be examined and he tested at St. Clare's, what was your purpose and intent?

MR. GELLER: Objection to the form. That was asked and answered.

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Williams

75

Q. There was something that made you want to be further tested, correct?

A. No. There was something that made me want to just get checked out. Not tested.

Q. By the way, how long had you been at Project Return before you escorted Jose to St. Clare's?

A. I don't recall.

Q. Would it be more than a month?

A. I can't recall.

Q. Would it be fair to say that you resided at Project Return from about February of 1996 through January of 1997; would that be fair to say?

A. That's not a fair assumption, because I just said I can't recall.

Q. If I were to tell you that the records reflect that you were in Project Return from February of '96 to January of '97, would that refresh your memory as to whether you were there during that time period?

A. It would not.

Q. Would it be fair to say that before you were given the duties of an escort, to

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Williams

74

Q. Was there anything that happened from the time you got out of prison until that day that you went to St. Clare's by way of having unprotected sex, intravenous drug use or any homosexual activity, that would lead you to believe that you might have contracted the disease?

A. When I was at St. Clare's I didn't undergo those tests, because I thought it was basically a physical.

I was in the streets, I was drinking, possibly even doing some drugs. And mind you I was already told prior to leaving prison that I should eat healthy and drink if I wanted my liver to refurbish it's own self. Having not abided by that particular suggestion by a medical physician, I just wanted to see if I can possibly get information on whether I did any further damage to myself in that regard.

Q. So are you saying that from the time you were released from prison, that you used intravenous drugs?

MR. GELLER: Objection. That mischaracterizes his testimony.

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Williams

76

escort people to and from the hospital, that you would have had to have been in Project Return for a certain period of time?

A. Yes.

Q. During that certain period of time, whatever it was, whether it was a week, a month, two months, whatever that time period was, did you have any concerns about your health?

A. No.

Q. So that on the particular day that you took Jose to the hospital, was that the first time that you had any concerns about testing yourself, to determine the status of your health?

A. I wouldn't call it a concern. I would call it being compulsive. Because I was in a medical institution. They do test. I was free, Jose was occupied. I couldn't leave until he was ready. So why not take a test, take a checkup.

Q. Had you ever escorted Jose before this?

A. No.

Q. Did you know Jose from living in

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Williams 77

Project Return?

A. I've seen him. I didn't associate with him.

Q. On that particular day, did Jose discuss anything with you regarding his condition or anything else regarding his health?

A. Absolutely not.

Q. Did you have any general discussions about factors, to the extent that people that are diagnosed with HIV, being found HIV positive, get certain housing benefits and financial subsidies once found to be HIV positive?

MR. GELLER: Object to the form. Is that a question?

MR. SILVERSON: Yes.

MR. GELLER: Could you repeat the question.

Q. Did you have any knowledge of the fact that people who are found to be HIV positive are entitled to certain financial benefits, such as housing subsidies and the benefits of prescription medications to treat the virus, were you aware of that?

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Williams 78

A. Aware when?

Q. At the time you went to St. Clare's Hospital with Jose.

A. The initial time?

Q. Yes, sir.

A. Absolutely not.

Q. Did there come a time that you did learn about that, the benefits that one receives?

A. Yes.

Q. When was that?

A. After St. Clare's diagnosed me as being HIV positive.

Q. What information did you learn after being diagnosed HIV positive regarding housing?

Let's start with housing allowance as a subsidy.

A. What did I learn?

Q. Yes.

A. That I can get assistance.

Q. What type of assistance would that be?

A. Just assistance with housing.

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Williams 79

Q. How about food?

A. I didn't need food. I had food at Project Return.

Q. If you were found to be HIV positive, didn't you learn that if you found a residence to live, that you would get some benefit from the State or the Federal government in regard to defraying the cost of paying for that housing?

A. You get food and public assistance without being sick, from Welfare.

Q. In addition to the public assistance that you were getting, did you learn that people who are diagnosed with HIV and found to be positive, in addition to their public assistance, got additional monies for having been found to be HIV positive?

A. People don't get additional money. You may get some assistance with housing, but you do not get any increase other than what you would get when you're normally homeless on the street. You get nothing additional to that. And if you did, I was never informed of it.

Q. What tests did you take on the day

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Williams 80

you went with Jose to St. Clare's?

A. What tests did I take?

Q. Yes.

A. All I can tell you is that they extracted blood.

Q. Where within the hospital did you go for that?

A. Where in the hospital did I go for that?

Q. Yes.

A. I went right there on the third floor.

Q. The forms that you filled out--

MR. GELLER: Just to have a clear record, this is the same certified copy that was sent over to us maybe a week or so ago? What's the date on the front?

For the record, the first page is the same.

MR. SILVERSON: This is a copy of the record. We got an original signature, I guess you got one as well.

MR. GELLER: Yes. From that date, November 9.

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1 Williams 81  
 2 MR. SILVERSON: I may want to make  
 3 a reference to the record.  
 4 MR. GELLER: Off the record.  
 5 (Whereupon, a discussion was held  
 6 off the record.)  
 7 MR. SILVERSON: Let's mark these  
 8 records as Defendant's Exhibit A subject  
 9 to the originals.  
 10 (Whereupon, the above referred to  
 11 document was marked, "Defendant's Exhibit  
 12 A for identification," as of this date,  
 13 by the reporter.)  
 14 Q. Mr. Williams, let me show you what  
 15 has been marked as Defendant's Exhibit A for  
 16 identification. It's entitled a consent form  
 17 from St. Clare's Hospital dated November 11,  
 18 1996.  
 19 I just ask if that's your signature on  
 20 the page?  
 21 A. Yes, it's my signature.  
 22 Q. Would that indicate, Mr. Williams,  
 23 that you were present at St. Clare's Hospital on  
 24 November 11, 1996?  
 25 MR. GELLER: I'm just going to

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1 Williams 83  
 2 that the date that you just filled out the  
 3 forms?  
 4 A. That's the date I filled out the  
 5 forms and took a test.  
 6 Q. What test did you take on the date  
 7 that you filled out the forms?  
 8 A. I don't know.  
 9 Q. There are many tests in a hospital.  
 10 Did you take a urine test?  
 11 A. No.  
 12 Q. Did they do what's called an EKG?  
 13 A. No.  
 14 Q. Do you know what an EKG is?  
 15 A. Yes.  
 16 Q. Did you have a physical exam by a  
 17 medical doctor or a nurse?  
 18 A. That's what I thought I was going  
 19 to have, but no.  
 20 Q. Did someone check your extremities,  
 21 meaning arms, legs, ears, nose, throat, head,  
 22 that kind of thing?  
 23 A. That's what I thought I was going  
 24 to have.  
 25 Q. What test did you have?

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1 Williams 82  
 2 state for the record that the date here  
 3 next to the signature is the 10th of  
 4 November 1996.  
 5 MR. SILVERSON: In that  
 6 regard--  
 7 Q. The date you took Jose to St.  
 8 Clare's Hospital, and the date which you say you  
 9 scheduled some tests for yourself, do you recall  
 10 what that date was?  
 11 A. No, I do not.  
 12 Q. By looking at what's been marked as  
 13 Defendant's A for identification on which you've  
 14 identified your signature thereon, would either  
 15 November 10 or November 11 refresh your memory  
 16 as to what date you went to St. Clare's Hospital  
 17 with Jose?  
 18 A. No. It doesn't actually refresh my  
 19 memory. This is the document that I signed on  
 20 the initial visit. I would have to conclude  
 21 that it's correct.  
 22 Q. There are two dates on this form,  
 23 one says November 11 and one says November 10.  
 24 The date that you took Jose to St. Clare's, was  
 25 that the same date that you took the test or was

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1 Williams 84  
 2 A. All they did was extract blood.  
 3 Q. At the time that happened, did you  
 4 ask anybody what other tests you would need to  
 5 take or anything about the blood test that was  
 6 being given to you at that time?  
 7 A. Only thing that I asked was, what  
 8 happened to the checkup that I thought I was  
 9 going to have.  
 10 Q. What did they tell you?  
 11 A. They just said you'll be scheduling  
 12 another appointment.  
 13 Q. This first blood test, did you ask  
 14 them whether you would get results that very  
 15 same day or did they tell you to come back at  
 16 another day?  
 17 A. I can't recall.  
 18 Q. Did you come back another day after  
 19 that first test?  
 20 A. Yes.  
 21 Q. Did you ever get the results of  
 22 that first test?  
 23 A. Yes.  
 24 Q. What were the results of that test?  
 25 A. Non-reactive.

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Williams 85

Q. What did you understand the words, non-reactive, to mean?

A. I had no idea what they were talking about.

Q. Did you ask somebody?

You've been in hospitals and treated with doctors before. Did you think to ask anybody what the words, non-reactive, meant in terms of your blood test?

A. No.

Q. Did it seem to be a good thing or a bad thing to you at the time?

A. I had no idea. I mean, it really didn't register.

Q. Did you know at the time that the blood that was taken from you, whatever date that was, was going to be tested for HIV virus?

A. No.

Q. You did not know that?

A. No.

Q. Did you have any idea what the blood test was being taken for and what results the doctors were looking for within the blood?

A. No.

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Williams 87

Q. Do you recall the name of this person?

A. No.

Q. Do you know whether this person was a doctor, nurse or technician?

A. No. A technician would be someone like a phlebotomist; correct?

Who is the technician?

Q. Well, meaning a medical technician of some kind, meaning a phlebotomist or an aide, a nursing aide, somebody that would draw blood?

A. It was someone who had a medical degree.

Q. When they said they were looking for something, did you make any inquiry as to what it was that they were looking for?

A. No.

Q. Did they tell you what other testing they wanted to do, because you had indicated they said they wanted to do further tests.

A. No. At this particular point, I'm quite sure I just wanted to hurry up and get out of there. On this particular day I was

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Williams 86

MR. GELLER: Object to the form. If you could break it up.

MR. SILVERSON: I'll just ask another question.

Q. Who told you the test was non-reactive?

A. The physician who gave me the results.

Q. Other than saying those words to you, was there any other explanation given?

A. I don't understand what you mean.

Q. Did the doctor say, you're non-reactive and we'd like you to take another test, or you don't need to worry, your blood is fine or something else?

A. It was more or less, like, your blood is non-reactive, we're going to take another test. Because I recall them saying something wasn't conclusive to what they were looking for. And that's why they wanted to run more tests.

Q. Did they tell you what it was they were looking for?

A. No.

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Williams 88

escorting someone.

Q. What you just said, you took the blood test on the day you brought Jose there, right?

A. Right.

Q. Then you went back to get the results on another day?

A. Yes.

Q. Were you escorting Jose again on that particular day?

A. Yes.

Q. When you say, you wanted to get out of there, meaning you wanted to get back to wherever you were taking Jose?

A. Yes.

Q. So he had gone with you the second time?

A. Actually, I didn't even tell Project Return that I had an appointment. As far as I was concerned, it was just a checkup, you know. Whether I got the results or not, it really wasn't -- I felt good. So it really didn't matter.

Q. You felt good?

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Williams 89

1  
2 A. I felt excellent, yes.  
3 Q. Do you recall at Project Return  
4 that there was a nursing staff there?  
5 A. Yes.  
6 Q. Do you recall that during the time  
7 you were there and prior to going for this test  
8 that you had been either examined or had a  
9 consultation with the nursing staff?  
10 MR. GELLER: Object to the form.  
11 Q. Prior to escorting Jose and then  
12 subsequently for your blood test, had you made  
13 any medical complaints to the nurse at Project  
14 Return?  
15 A. Regarding?  
16 Q. I'll tell you in a second.  
17 While at Project Return, did you  
18 regularly go for medical checkups, was that part  
19 of the requirement while you were there?  
20 A. I don't understand your question.  
21 Q. It's a drug program, so for  
22 example, do they periodically test your urine to  
23 see if you are using drugs?  
24 A. Yes.  
25 Q. If you're sick, if you are not

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Williams 90

2 feeling well, if you have a cold or if you have  
3 complaints of headaches or other ailments, do  
4 you have the availability of going to the nurse  
5 or the medical person at Project Return to get  
6 treatment or to get help?  
7 A. Yes.  
8 Q. Do you recall at or about the time  
9 that you went to St. Clare's with Jose that you  
10 had made any such complaints about your health,  
11 meaning that you were sick and not feeling well?  
12 A. I got a cold or something. I don't  
13 understand the question.  
14 Q. You said your health was  
15 excellent?  
16 A. Yes. My health was excellent.  
17 Q. You went to St. Clare's with Jose  
18 and you decided to get a further check up on  
19 your health?  
20 A. Yes.  
21 Q. What I'm saying is, prior to that,  
22 had you had any complaints that you made to the  
23 Project Return Foundation nurse about your  
24 health condition?  
25 A. I don't recall.

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Williams 91

1  
2 Q. Do you ever recall speaking to a  
3 Dr. Akum?  
4 A. No.  
5 Q. Were you on any medications while  
6 at Project Return for any health condition that  
7 you had?  
8 A. I don't recall.  
9 Q. Did you ever have a neurological  
10 consult while at Project Return for any  
11 complaints of pain in any of your extremities?  
12 A. Neurological, meaning something  
13 regarding my nervous system?  
14 Q. Yes.  
15 A. Not that I recall.  
16 Q. Do you recall being prescribed  
17 Naprosyn or Motrin as a drug for pain while  
18 there?  
19 A. I recall getting Naprosyn from  
20 Spellman Clinic.  
21 Q. But not from Project Return?  
22 A. No.  
23 Q. Did you receive any medications to  
24 your knowledge from Project Return while there  
25 and while you were attending St. Clare's

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Williams 92

2 Hospital, for these tests that you recall?  
3 A. From my recollection, Project  
4 Return cannot prescribe medication.  
5 Q. Did you have any type of major  
6 depression or psychotic episodes while at  
7 Project Return?  
8 A. After St. Clare's gave me those  
9 diagnosis, yes.  
10 Q. Meaning the diagnosis of HIV  
11 positive?  
12 A. Yes.  
13 Q. Then you had a psychotic episode?  
14 A. I wouldn't say I was psychotic. I  
15 would say depressive.  
16 Q. Can you describe for me what  
17 reaction you had after learning that you had the  
18 HIV virus?  
19 A. I was completely overwhelmed. All  
20 I thought of was my day of death is sure to come  
21 soon.  
22 Q. Did you request help from a  
23 psychologist or psychiatrist to deal with this  
24 issue at that time?  
25 A. I'm not sure if I did or not, but I

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1 Williams 93  
 2 think I did speak to one and I'm not sure whom.  
 3 Q. After the first visit and after  
 4 that first test when the doctor said they wanted  
 5 to retest you, did you go back for another blood  
 6 test to St. Clare's?  
 7 A. Repeat that?  
 8 Q. The day you went with Jose, you had  
 9 a blood test, the first time?  
 10 A. Yes.  
 11 Q. You came back a second time and you  
 12 met with a medical doctor who told you that they  
 13 wanted to do further tests. Did you, in fact,  
 14 go back to St. Clare's and have further blood  
 15 tests?  
 16 A. I was already at St. Clare's when  
 17 they did the test.  
 18 Q. There was a second test done on or  
 19 about, I guess, the 19th of November according  
 20 to the records. Does that refresh your  
 21 recollection as to the date the second test was  
 22 done?  
 23 A. Whenever I went to St. Clare's it  
 24 usually was to get results of the previous test.  
 25 And they take more tests.

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1 Williams 95  
 2 MR. SILVERSON: Whatever the  
 3 testimony is, it is.  
 4 Q. The second test apparently showed  
 5 that you were HIV positive, is that correct?  
 6 A. The first test was what?  
 7 Q. You told me about the first test.  
 8 I have no idea what the first did. You told me  
 9 the test--  
 10 A. Repeat the question, please.  
 11 Q. Let me start again. There was a  
 12 series of blood tests that you took at St.  
 13 Clare's, which is the subject of this lawsuit.  
 14 There was a first test that you took when you  
 15 went with Jose. Then you got some results, and  
 16 that there was no finding of HIV on those tests.  
 17 Then there was a second test scheduled  
 18 for you. I don't know whether you recall the  
 19 dates or not, but for the purposes of this  
 20 deposition assume that it was a week or so  
 21 later.  
 22 Do you remember going for a second blood  
 23 test?  
 24 A. I remember going in.  
 25 Q. This was the test that would have

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1 Williams 94  
 2 Q. The first test that you got there,  
 3 did you ever state to anyone at the hospital  
 4 that that test and that blood was not your  
 5 blood?  
 6 A. No.  
 7 Q. Did there ever come a time that you  
 8 went for a test at St. Clare's for a blood test  
 9 and that you had to wait too long and you got  
 10 impatient and left and didn't take the test?  
 11 A. I can't recall ever leaving or  
 12 being impatient.  
 13 Q. Did there come a time that a blood  
 14 test was scheduled at St. Clare's, you showed up  
 15 at St. Clare's, and at some point you left  
 16 before taking the test?  
 17 A. Usually when it's time to take  
 18 blood, the phlebotomist is always available.  
 19 We used to call them dracula.  
 20 Q. Let's go to the second test. The  
 21 first test, there was something there but they  
 22 weren't sure. And the second test shows that  
 23 your --  
 24 MR. GELLER: Objection to form.  
 25 That's mischaracterizing the testimony.

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1 Williams 96  
 2 showed up positive.  
 3 A. Your question is, did I go back for  
 4 a blood test?  
 5 Q. Let me try again.  
 6 There is a series of blood tests that you  
 7 took at St. Clare's in the months of November  
 8 and December of 1996. Do you recall doing that?  
 9 A. Yes.  
 10 Q. There was also one in 1997 that you  
 11 took as well at St. Clare's?  
 12 A. Yes.  
 13 Q. The first test that you took, the  
 14 first day that you got there, we're trying to  
 15 find out that date, it's somewhere around 11 or  
 16 12th of November.  
 17 MR. GELLER: Objection to form. I  
 18 think the record says the 10th or 11th.  
 19 MR. SILVERSON: Yes, the 10th or  
 20 11th.  
 21 Q. Either of those dates, that was the  
 22 first time that you took blood at St. Clare's  
 23 and that was the one where you told me that the  
 24 doctors were equivocal, they couldn't make any  
 25 findings as to whether or not there was any HIV

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Williams 97

1 virus?

2 A. I took a test on that day. No

3 results was given to me that day.

4 Q. You came back and got the results?

5 A. Right.

6 Q. What were the results?

7 A. As I said, something to the effect

8 that non-reactive and they want further testing

9 done.

10 Q. Now I'm going to the next test,

11 after the non-reactive finding.

12 The next test, would it be fair to say it

13 was about a week later?

14 A. It was when I went back the second

15 time.

16 Q. Yes.

17 A. They extracted more blood.

18 Q. Did you get a result of that second

19 test?

20 A. Yes.

21 Q. That result was an HIV positive

22 finding?

23 A. Yes.

24 Q. Did there come a time that you took

25

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Williams 99

1 Q. Having had those tests and having

2 found out that you were HIV positive, were you

3 prescribed some medication and treatment?

4 A. Yes.

5 Q. First of all, do you recall any

6 doctor that you dealt with after finding out

7 that you were HIV positive, do you know the name

8 of the doctor?

9 A. No.

10 Q. Who is Dr. Lazarus?

11 A. Dr. Lazarus is the doctor who was

12 named on most of my medical documents from St.

13 Clara's.

14 Q. When did you first meet Dr.

15 Lazarus?

16 A. I can't recall.

17 Q. Was it at any time within the time

18 frame of those blood tests that you had, that

19 showed that you were HIV positive?

20 A. I beg your pardon?

21 MR. SILVERSON: Can you repeat the

22 question.

23 (Whereupon, the prior question was

24 read back by the reporter.)

25

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Williams 98

1 a third test?

2 A. Yes.

3 Q. Do you recall how soon after that

4 second test the third test came?

5 A. Do I recall?

6 Q. Yes.

7 A. How soon?

8 Q. Well, if I were to tell you that it

9 was approximately a month later, would that be a

10 fair statement?

11 A. I couldn't say.

12 Q. Would it refresh your memory if I

13 told you that the records reflect that you had a

14 blood test on the 17th of December 1996, which

15 was approximately almost 30 days after the

16 second test?

17 A. Yes.

18 Q. And that third test came back and

19 showed HIV positive?

20 A. Yes.

21 Q. Then there was a fourth test in

22 January of 1997, approximately a couple of weeks

23 after that also?

24 A. Yes.

25

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Williams 100

1 A. I can't recall that either.

2 Q. Does the name, Miss Roehrig, a

3 physician's assistant, ring a bell as to

4 refreshing your memory?

5 A. Yes.

6 Q. Was she the person that you dealt

7 with during the time period that the blood tests

8 were being given?

9 A. Not exclusively, no.

10 Q. What contact did you have with Miss

11 Roehrig during the months of November and

12 December of 1996 and January of 1997?

13 A. She is the physician who told me

14 the results of the blood work. And she is the

15 physician who had -- well, this is what I

16 remember her saying. She said that she had to

17 confirm with someone in order to see if they

18 were going to start treatment. I remember her

19 leaving the examination room, coming back and

20 saying that treatment needs to be started

21 immediately.

22 Q. Was she the person that first told

23 you that you were HIV positive?

24 A. That I don't remember.

25

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Williams 101

Q. I believe her first name is Dawn Roehrig?

A. I can't be absolute.

Q. Dr. Lazarus, what part did he take in these blood tests that you had?

When I say blood tests, I'm referring to the tests that were taken in November, December and January.

A. What part did he play?

Q. Yes. What did he do with you by way of medical treatment or consultation?

A. I can't recall Dr. Lazarus. As I said before, I met, I've interacted with numerous physicians at St. Clare's Hospital and Health Center. And whom they were by name, I don't know.

Q. Dr. Lazarus, was he one of the persons that drew your blood, did he actually draw?

A. No. It was a phlebotomist who drew the blood.

Q. Dr. Lazarus, on any of the occasions that you got your blood results back, did he discuss with you what the findings were?

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Williams 103

Q. What I'm trying to find out is what things he did or didn't do in terms of your treatment, what you can recall.

For example, when was the first time that you met Dr. Lazarus?

A. May I confer with my counsel?

Q. Sure.

MR. SILVERSON: Off the record.  
(Whereupon, a discussion was held off the record.)

Q. The question, more simply put is, when did you first meet Dr. Lazarus?

A. I don't recall if I ever met Dr. Lazarus or not.

The reason why I had Dr. Lazarus as a defendant is because he is on all my paperwork, his name is on all my paperwork. I had my sister make an inquiry for me back in 2003 or 2004 when I was drafting my complaint and interrogatories as to who Dr. Lazarus was. And I was apprised that Dr. Lazarus was the chief physician. So he, to me of course, appeared to be the most credible defendant to name in my petition.

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Williams 102

A. I can't recall that.

Q. Did you go to his office for treatment after, the year of 1997, after being diagnosed with HIV?

A. Well, since he was the chief physician I would think that, yes, from the beginning I was entering his offices within the confines of St. Clare's Hospital.

Q. Did you meet with him and did he conduct physical examinations?

A. I can't say I had. I can't say I met him. I met numerous physicians there and who they are, I can't recall.

Q. Mr. Williams, when you started this lawsuit, you did it by what they call pro se, by yourself?

A. Yes.

Q. You named him as a named defendant in the lawsuit?

A. Yes.

Q. You made certain allegations as to what he did or didn't do in regards to treating you?

A. That is correct.

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Williams 104

Q. So your answer to my question about meeting with him is, you don't have any recollection of any specific meetings and whatever allegations you set forth in your complaint as to him was based on the fact that he was head of the department or in some capacity showed up on your name plate on various medical documents at St. Clare's?

A. Correct.

Q. You had more direct contact then with Miss Roehrig in terms of your testing in the initial stages of your appearances at St. Clare's, that she was the physician's assistant who had some discussion with you about your condition; right?

A. I spoke with her on numerous occasions.

Q. What advice did she give you in terms of how to treat the condition that had been diagnosed as being HIV positive, did she give you a checklist of things to do or did she refer you to a physician or some other entity to help you with this condition?

MR. GELLER: I object to the form.

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1 Williams 105  
2 I think that mischaracterizes his  
3 testimony. You can go ahead and answer  
4 if you understand.

5 A. Miss Roehrig was -- basically she  
6 gave advice on how I should not miss taking the  
7 medication. I should be consistent with taking  
8 the medication. She put emphasis on how  
9 dangerous it would be for me to discontinue it  
10 at any time. She told me that I should be  
11 careful to let -- to keep my viral load down.  
12 In the beginning I had no idea what she was  
13 talking about, until we had a little more in  
14 depth conversation of what viral loads are and  
15 stuff of this nature, which helped me to be more  
16 informative about the diagnosis which they were  
17 treating me for.

18 Q. As best as you can remember by way  
19 of substance of what she told you, what did she  
20 tell you about viral loads and your treatment;  
21 you said she went into some depth, as best as  
22 you can remember.

23 A. She said that the viral load is  
24 something that determines the virus in like  
25 regard to your blood or something to that

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1 Williams 107  
2 A. I can tell you some of the names.  
3 I can't give you the complete list of all of  
4 them.  
5 Q. It's in your record, so just do the  
6 best you can?  
7 A. She had me on two types of Prozac,  
8 Zithromax.  
9 Q. Prozac is an antidepressant drug;  
10 is it not?  
11 A. That is correct.  
12 Q. That was part of your treatment  
13 plan?  
14 A. That was part of what they were  
15 giving me.  
16 MR. GELLER: I'm just going to ask  
17 for a pause for one second. I want to  
18 confer with him.  
19 Off the record.  
20 (Whereupon, a discussion was held  
21 off the record.)  
22 MR. SILVERSON: You can continue  
23 with your answer.  
24 A. All these various medications that  
25 were prescribed to me were not prescribed

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1 Williams 106  
2 effect -- that there is an amount of virus that  
3 you have in your blood. Then she was saying  
4 that the medication would keep it low. And for  
5 me to be very prompt and being on time taking  
6 this medication.  
7 Q. Do you recall the names of the  
8 medications that was prescribed for you to  
9 combat the HIV positive virus that they  
10 identified?  
11 A. Epivir, Retrovir and Saquinavir.  
12 Q. These are pills?  
13 A. Yes.  
14 Q. Are they to be taken daily?  
15 A. Yes.  
16 Q. They're three different types of  
17 pills that you would take?  
18 A. Well, actually there were numerous  
19 of other medications.  
20 Q. Can you identify those for me?  
21 A. No.  
22 Q. Were they related to the treatment  
23 of the virus?  
24 A. Yes.  
25 Q. Can you tell me what they were?

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1 Williams 108  
2 exclusively by Roehrig. They were prescribed by  
3 a number of doctors under the supervision of Ted  
4 Lazarus. So when I give you some of the names  
5 of the medications that was prescribed to me, it  
6 wasn't prescribed exclusively by Dawn Roehrig.  
7 Q. I understood that, but I'm glad you  
8 clarified it.  
9 A. Zithromax, Prozac, Naprosyn,  
10 Megace, Glavil. The list goes on.  
11 Q. Were some of these pills taken as  
12 needed or were they taken on a daily basis or  
13 several times a day depending on the  
14 prescription?  
15 MR. GELLER: Object to the form,  
16 compound.  
17 Q. For example, the drugs that were  
18 combating the AIDS virus, the ones that you  
19 mentioned, the Epivir, Retrovir and Saquinavir,  
20 those were all drugs that you took on a daily  
21 basis; is that correct?  
22 A. Yes.  
23 Q. When did you commence or when did  
24 you start taking those drugs?  
25 A. They had me start on that

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1 Williams 109  
 2 medication -- when I say, they--  
 3 Q Meaning someone at the hospital?  
 4 A. Meaning people, the staff.  
 5 Q. Any reference to they, it will be  
 6 understood that you're meaning people at St.  
 7 Clare's Hospital.  
 8 A. Right. And not specifically or  
 9 exclusively any one person.  
 10 Q. A variety of staff people?  
 11 A. Yes.  
 12 Q. Understood.  
 13 A. It started after the first viral  
 14 load -- no, yes, the first result of their viral  
 15 load that came back as my being positive.  
 16 Q. Just so that we're clear, our  
 17 records, the records for St. Clare's show that  
 18 you treated at Spellman Clinic from November 11,  
 19 1996 through August 15, 1997. So roughly nine  
 20 months. Would that be about the right time  
 21 period, would you agree with that?  
 22 A. Say those dates again, please.  
 23 Q. Those are the dates that you set  
 24 forth in your complaint about the period of  
 25 malpractice?

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1 Williams 111  
 2 A. Shortly after. I would say, once  
 3 the drug had been dissolved and you know it's  
 4 supposed to be doing its work for me, then the  
 5 symptoms come.  
 6 Q. The first symptom you would  
 7 experience after taking the antiretroviral drugs  
 8 was severe abdomen pain?  
 9 A. Yes.  
 10 Q. It took place within a short period  
 11 of time after taking the drug?  
 12 A. Yes, and it lasted.  
 13 Q. For how long?  
 14 A. A long time. I mean, because mind  
 15 you these pills are taken several times a day.  
 16 So they, you know, I'm in pain several times a  
 17 day, excruciating pain.  
 18 Q. How many times a day were you  
 19 taking the antiretroviral drugs in the early  
 20 months of your treatment?  
 21 A. I think four times a day.  
 22 Q. Would you take one pill of each  
 23 type of drug or do you remember the dosages?  
 24 A. I can't remember that.  
 25 Q. You're telling me that each time

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1 Williams 110  
 2 A. Okay.  
 3 Q. Those were the dates while at the  
 4 Spellman Clinic, that there was a departure from  
 5 the standard of care during that time period?  
 6 A. Right.  
 7 Q. The drugs that you just named them,  
 8 those are drugs that you took during that time  
 9 frame period, which is approximately nine  
 10 months?  
 11 A. Right.  
 12 Q. In terms of side effects or results  
 13 of taking these drugs, what if any occurred?  
 14 A. I felt like I was dying every time  
 15 I ingested these pills. They had me keeled over  
 16 as though my stomach was pushed to the far  
 17 crevices of my back. I could not stand up  
 18 straight. I could not see straight. I was  
 19 nauseated.  
 20 Q. Are you saying abdominal pain?  
 21 A. Yes.  
 22 Q. Severe abdominal pain?  
 23 A. Yes.  
 24 Q. Would that occur immediately after  
 25 taking the drug?

J & M REPORTING AGENCY (516) 785-4690

1 Williams 112  
 2 you took these drugs that you would experience  
 3 side effects, one of them that you stated  
 4 already is the severe abdominal pain that would  
 5 last for a long time?  
 6 A. Yes.  
 7 Q. Can you give me in terms of  
 8 minutes, hours, how long this abdominal pain  
 9 lasted?  
 10 A. Hours. Hours on end. By the time  
 11 the pain would subside, it's time to take  
 12 another dose of medication.  
 13 In other words, I was taking medication  
 14 to constantly stay in pain and to have diarrhea.  
 15 I was constantly taking medication to be  
 16 nauseated and sick.  
 17 Q. Let me just stay with the abdominal  
 18 pain for a minute. You are saying that the  
 19 reaction to the drugs, the antiretroviral drugs,  
 20 was severe abdominal pain that lasted pretty  
 21 much from the time you took it almost to the  
 22 next time you had to take it during the day?  
 23 A. Pretty much. By the time it  
 24 subsided I had to ingest the pills again. The  
 25 pills obviously dissolved in my stomach and it

J & M REPORTING AGENCY (516) 785-4690



1 Williams 113  
 2 caused it again.  
 3 Q. This occurred from the time you  
 4 started taking it, which was after the viral  
 5 load showed high, for how long a period of time  
 6 did you have to take these drugs, until when?  
 7 A. Throughout the period of my  
 8 treatment at St. Clare's.  
 9 Q. During that approximately whole  
 10 nine-month period of time, you had daily pain,  
 11 severe abdominal pain from this.  
 12 A. Yes.  
 13 Q. In addition to the abdominal pain,  
 14 you mentioned nausea. When did that occur?  
 15 A. All this occurred simultaneously,  
 16 right behind one another, at the same time  
 17 period. If I ingested pills today at 12:00, by  
 18 1:00, 1:30, I'm in pain.  
 19 Q. You're in pain and you're nauseous  
 20 as well?  
 21 A. Right. I mean, there are numerous  
 22 things.  
 23 Q. I just want to stay with the nausea  
 24 now. This was a daily occurrence?  
 25 A. Daily occurrence.

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1 Williams 115  
 2 A. The diarrhea, it has gotten bad to  
 3 where I've defecated in my clothes.  
 4 Q. Mr. Williams I'm asking in terms of  
 5 frequency, was it everyday, every other day,  
 6 every week or something else?  
 7 You've been able to describe the  
 8 abdominal pain and nausea as being daily.  
 9 A. It was everyday that I took my  
 10 medication. Everyday.  
 11 Q. You had an episode of diarrhea?  
 12 A. And I think they prescribed  
 13 something for my stool, where it helped because  
 14 the diarrhea wasn't -- how could I put it, when  
 15 I had an episode of diarrhea, I mean it was  
 16 just -- I couldn't, I had no control of my  
 17 bowel.  
 18 Q. You had to get to the bathroom  
 19 quickly?  
 20 A. Yes. And if I didn't make it, it  
 21 was like a child having to urinate, you couldn't  
 22 hold it. They gave me something to the point  
 23 where I was able to have some control over it.  
 24 And I think they took me off the Megace,  
 25 I think that was Megace, because Megace was

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1 Williams 114  
 2 Q. So would it be fair to say that  
 3 during that time period you were at Spellman and  
 4 under treatment and taking these drugs, that you  
 5 experienced daily nausea?  
 6 A. Yes.  
 7 Q. For long periods of time or shorter  
 8 periods of time?  
 9 A. I was nauseated shortly after  
 10 ingesting the pills.  
 11 Q. Did it pass within a short time or  
 12 did it stay with you; as you said with the  
 13 abdominal pain it lasted from pill to pill. How  
 14 about the nausea, did that last the same amount  
 15 of time or something else?  
 16 A. Sometimes when I throw up, then I  
 17 regurgitated something, and I feel a little bit  
 18 better. But then I would have to ingest  
 19 medication again within a few more hours, which  
 20 would put me right back in that state.  
 21 Q. You mentioned diarrhea. What was  
 22 the frequency of diarrhea during the time period  
 23 you treated at Spellman, was it something that  
 24 you experienced daily, weekly, infrequently,  
 25 everyday or something else?

J & M REPORTING AGENCY (516) 785-4690

1 Williams 116  
 2 considered a stool softener. With diarrhea you  
 3 don't need a stool softener. They took me off  
 4 of that and put me on something else and my  
 5 diarrhea wasn't as frequent.  
 6 Q. Other than the abdominal pain,  
 7 nausea and diarrhea, what other side effects, if  
 8 any, did you incur as a result of taking this  
 9 medication; that medication, again, meaning the  
 10 drugs that were combating the HIV positive  
 11 virus?  
 12 A. Numbness.  
 13 Q. Can you describe what part of your  
 14 body felt numb?  
 15 A. My arms and legs.  
 16 Q. In terms of frequency of the  
 17 feeling of numbness, how would you allocate that  
 18 in terms of time?  
 19 A. It's kind of hard for me. It  
 20 wasn't as frequent as the nausea. It wasn't as  
 21 frequent as the abdominal pain. But sometimes  
 22 when I did have those excruciating pains it felt  
 23 like my blood had stopped circulating in my arms  
 24 and legs. That if I tried to stand I couldn't  
 25 feel my legs. If I tried to grab something I

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Williams 117

1 didn't feel it, because I didn't have the normal  
2 usage of my hands and my limbs. The numbness  
3 that I got wasn't as frequent, like I said, with  
4 those episodes of abdominal pain.  
5  
6 Another time I can recall being aware of  
7 the numbness was like if I go through an episode  
8 of abdominal pain and laid down, you know, until  
9 I can recoup enough to get up and try to  
10 function a little bit throughout my household, I  
11 would feel this tingling. And the Naprosyn that  
12 they gave me didn't work. But the numbness  
13 wasn't -- I mean, if I moved, exert my hands and  
14 feet.  
15 Q. Meaning clutching your fists and  
16 stretching?  
17 A. Yes. It was like trying to get the  
18 blood to circulate, I don't know what. I'm not  
19 a medical practitioner, but all I could say is  
20 that I had numbness.  
21 Q. What is your best estimate of how  
22 long the numbness lasted in terms of time, as  
23 best as you can estimate it, or whatever the  
24 frequency was, how long did it last?  
25 A. No more than an hour and a half to

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Williams 119

1 weight loss do you feel that you incurred as a  
2 result of having to take these drugs?  
3 A. I would say five pounds -- five to  
4 eight pounds.  
5 Q. So you would be down to the 170s in  
6 your weight?  
7 A. No. I was down in the 160s.  
8 Q. Let me start with the severe  
9 abdominal pain. Once you started taking these  
10 drugs and you got this daily severe abdominal  
11 pains, did you tell anyone at St. Clare's  
12 Hospital that you were experiencing this side  
13 effect?  
14 A. Yes.  
15 Q. Who did you tell?  
16 A. Their staff.  
17 Q. A staff person?  
18 A. Yes.  
19 Q. Do you recall when you first  
20 started to tell them about the complaints?  
21 A. I don't recall.  
22 Q. From the day you first started  
23 taking these drugs, did these side effects start  
24 hitting you right away or did it take a little  
25

J & M REPORTING AGENCY (516) 785-4690

Williams 118

1 two hours at length.  
2 Q. Other than the numbness, diarrhea,  
3 nausea and abdominal pain, what other symptoms  
4 were you exhibiting that you attribute to the  
5 medication that you were taking?  
6 A. That I attributed--  
7 MR. SILVERSON: Would you read back  
8 the question, please.  
9 [Whereupon, the prior question was  
10 read back by the reporter.]  
11 A. Fatigue.  
12 Q. Anything else?  
13 A. Being weak, I didn't have any  
14 energy. I lost weight, because I couldn't hold  
15 down my food.  
16 Q. Since you mentioned weight, what  
17 was your height and weight in November of 1996  
18 when you went to St. Clare's Hospital for that  
19 blood test?  
20 A. I don't recall. I'm 6 foot 3.  
21 Q. What is your weight now?  
22 A. My weight now is 185.  
23 Q. Do you have any recollection, the  
24 records will bear out what it is, how much  
25

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Williams 120

1 while for them to develop?  
2 A. I recall complaining about -- like,  
3 some drugs give me different reactions. When I  
4 took the medication for the virus, that's when I  
5 got the stomach pain and nausea and everything  
6 else.  
7 But there was other drugs too that I've  
8 taken. I don't know if it was the Zithromax or  
9 the Naprosyn or whatever, but I experienced  
10 feelings, but I don't remember what they were at  
11 this time.  
12 Q. In your complaint you refer, in  
13 addition to the things that you've mentioned,  
14 that you suffered liver damage as a result of  
15 taking these drugs. Did you ever speak to a  
16 physician or have testing on your liver during  
17 this time period that you were at Spellman,  
18 which would indicate that you suffered liver  
19 damage from the ingestion of the antiretroviral  
20 drugs?  
21 A. No. But I do recall them telling  
22 me that my enzymes, the enzyme level was high.  
23 Q. As of today, are you suffering from  
24 any type of liver disease or liver damage?  
25

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1 Williams 121  
2 A. Not that I know of, no. I'm not  
3 being treated for anything.  
4 Q. As of today, are you suffering from  
5 diarrhea?  
6 A. No.  
7 Q. How about abdominal pain and/or  
8 nausea?  
9 A. No.  
10 Q. In terms of numbness?  
11 A. No.  
12 Q. Did there come a time when you  
13 stopped taking the antiretroviral drugs?  
14 A. Yes.  
15 Q. When was that?  
16 A. I don't recall exactly when, but I  
17 remember just stopping.  
18 Q. Did you take these drugs for the  
19 nine-month period that you treated at Spellman?  
20 A. I can't answer that. I don't know.  
21 I would say, yes, but I can't be sure.  
22 Q. Did you take them after 1997 into  
23 1998 and forward?  
24 A. They just made me too sick. I  
25 couldn't stomach them.

J &amp; M REPORTING AGENCY

(516) 785-4690

1 Williams 122  
2 Q. Would it be fair to say that once  
3 you stopped taking the drugs the symptoms that  
4 you described to me stopped?  
5 A. Oh, yes.  
6 Q. Did you ever complain to anyone at  
7 St. Clare's, the staff members, Dr. Lazarus,  
8 Miss Roehrig, about these other symptoms, the  
9 nausea, the diarrhea and numbness?  
10 A. Repeat that question.  
11 Q. Did you tell anybody at St. Clare's  
12 during the time period in which you treated,  
13 about the nausea, the diarrhea and the numbness?  
14 A. Yes.  
15 Q. Did any of those staff people at  
16 St. Clare's either give you medication or change  
17 your treatment so as to alleviate the symptoms  
18 while you were there?  
19 A. Some of the medication was changed,  
20 but they would not change the cocktail that they  
21 was giving me.  
22 Q. The cocktail, meaning the three  
23 drugs that we talked about?  
24 A. Yes. Right.  
25 Q. Prior to getting these drugs, did

J &amp; M REPORTING AGENCY

(516) 785-4690

1 Williams 123  
2 any medical person at St. Clare's describe for  
3 you that there might be side effects in taking  
4 these drugs?  
5 A. No. Not at all, no.  
6 Q. So that you went ahead and took  
7 these drugs with the understanding that there  
8 would be no side effects?  
9 A. I took these drugs because they  
10 said that it would keep the viral load down.  
11 The viral load staying down would allow me to  
12 fight off any colds, bacteria or anything that I  
13 may become infected with, which therefore would  
14 help me live longer. That's why I took them.  
15 Q. With the nausea and the diarrhea  
16 and the pain, how about the diet that you were  
17 on, were you given any restrictive diet or a  
18 particular diet to follow while you were under  
19 treatment?  
20 A. They gave me Ensure.  
21 Q. What is Ensure?  
22 A. It's a dietary supplement. It's  
23 like a dairy product.  
24 Q. It's like a vitamin enhancement?  
25 A. Yes.

J &amp; M REPORTING AGENCY

(516) 785-4690

Williams 124

Q. Would you be prescribed to take that along with the meals that you were eating as well?

A. I was told to take it according to the prescription, the prescribed times that they told me. Whether it was with meals or not, I don't recall.

Q. During this time period you were being treated at St. Clare's, did you ever request that they allow you to work, that you wanted to go back to work?

A. I don't recall.

Q. Were you ever advised by anyone at St. Clare's, more specifically Miss Roehrig, that you were able to go to work even though you were taking these medications?

A. Yes. I think I was told that. But my question to her at the time was how could I work when this medication had me in the state that it does.

Q. So that you did tell Miss Roehrig that you were having symptoms from the medication?

A. Yes. Oh, yes.

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(516) 785-4690

Williams 126

A. No. I forgot the address that I had in the Bronx. I think it was in South Bronx, like, 170th Street.

Q. Did you live alone or with somebody else?

A. No, alone.

Q. Were you working at the time?

A. No.

Q. How were you paying for your rental each month?

A. Through public assistance.

Q. In addition, once you were diagnosed HIV positive, did you apply for any grants or any additional assistance due to the fact that you were diagnosed HIV positive?

A. I applied, but was denied.

Q. Did you ever reapply after that denial?

A. Not to my recollection. They denied me. By the time I got my denial from social security administration, you know, I was so tired of being sick everyday, from ingesting this medication. So I was just ready to give it all up and go on about my life. And if I get

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(516) 785-4690

Williams 125

Q. Did she advise you, either she or someone at St. Clare's, to change the dosages or change the medications to help you alleviate the symptoms that you were experiencing?

A. I don't recall.

Q. Did she refer you to a nutritionist at St. Clare's to help you with your diet, during this time period?

A. Yes.

Q. Did they give you written material and things of that nature to guide you in what to eat and try to stay healthy?

A. That and the Ensure.

Q. During the time period that you were at Spellman, were you still living at Project Return?

A. Part of the time.

Q. There came a time when you were able to leave Project Return?

A. Yes.

Q. Where did you go from there?

A. To the Bronx.

Q. Was that the Mount Eden address that you gave us earlier?

J & M REPORTING AGENCY

(516) 785-4690

Williams 127

sick and die, I just get sick and die, because this medication was killing me. So I left and went to West Virginia.

Q. You left the City?

A. Yes.

Q. You mentioned social security administration and previously today we requested authorizations and they've either been provided or will be.

Did you apply for disability under social security?

A. Did I?

Q. Did you fill out an application and apply for benefits?

A. Yes.

MR. SILVERSON: If it hasn't already been provided, I request a copy.

MR. GILLER: Yes.

Q. Did that application indicate the nature and extent of what your disability was at the time?

A. Yes.

Q. What was that?

A. HIV positive.

J & M REPORTING AGENCY

(516) 785-4690

Williams 128

Q. Did you document that application with any medical reports?

A. I don't understand the question.

Q. When you fill out an application for disability and social security, there's boxes to fill out, the name of the doctor, treatment dates, and so forth. In addition to that, you can attach supplemental records to it.

Did you attach any documents from any medical professional?

A. I don't recall.

Q. If you did it would be attached to the application, would it not?

A. Yes.

MR. GELLER: For the record, I'm going to object to the form of that question as a hypothetical.

Q. Do you recall the date that you filed the application for social security?

A. No.

Q. Do you recall the date that it was denied?

A. No.

Q. Was it within the time frame of the

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Williams 130

Q. Or anywhere.

A. I wasn't seeing anybody. St. Clare's was exclusively the medical facility that I was frequenting.

Q. Who did you see at St. Clare's for your depression?

A. Again, I don't know all these doctors. In fact, I don't know any of them by name. All I could tell you is that it was a physician within the confines of St. Clare's/Spellman Clinic.

Q. How frequently did you meet with or treat with a psychologist or psychiatrist at St. Clare's?

A. I don't know.

Q. Would it be more than once a month?

A. I would say it was frequently. Frequent enough for them to give me medication.

Q. You described, I think, Elavil and Prozac. These are drugs that are frequently prescribed by psychiatrists. Did you meet with a psychiatrist?

A. Yes.

Q. You don't recall his or her name?

Williams 129

time that you were at Spellman, those nine months?

And when I say Spellman, I mean St. Clare's.

A. I don't remember.

Q. Did you have some type of fungal infection during the time you were treating at St. Clare's?

Do you know what a fungal infection is?

A. No. I don't know what a fungal infection is.

Q. Did you ever take a drug called Sporanox?

A. Whatever I took, it's in the record. Like I said, I don't recall all the medications.

Q. Were you suffering, at the time, in December of '96 and following, the time period you were at Spellman/St. Clare's, from depression?

A. Yes.

Q. Were you treating with a psychiatrist or psychologist for the depression?

A. At St. Clare's you mean?

J & M REPORTING AGENCY (516) 785-4690

Williams 132

A. No.

Q. You don't know how frequently you met with him or her?

A. No.

Q. Do you remember whether it was a he or a she?

A. No.

Q. Do you remember the nature of the discussions and the reason for the depression, did you get into any details with the doctors?

A. I remember I was depressed from being diagnosed with the HIV virus. I recall being more depressed when the viral load was like real high. I recall the psychotropic drug that they were giving me was increased, because my depression became more intense. But how often I met with them, I don't know. I don't recall.

Q. Would it be fair to say that you met with them during the nine months that you were treating at St. Clare's?

A. Many times, yes.

Q. After you left St. Clare's in August of 1997, did you continue treatment with

Williams 132

any psychiatrist?

A. Yes.

Q. Who was that?

A. Shawnee Hills.

Q. Is that the name of a person or the name of a place?

A. That's the name of a medical institution.

Q. Where is that?

A. Charleston, West Virginia.

MR. GELLER: I think we're going into another area. It might be a time for a lunch break soon, it's getting on to 1:30.

After this question, if you want to finish a particular line.

MR. SILVERSON: Whatever is your pleasure. I think we're going to be here for another hour or two.

Off the record.

(Whereupon, a lunch break was taken.)

CONTINUED EXAMINATION BY

MR. SILVERSON:

J & M REPORTING AGENCY (516) 785-4690

Williams 134

A. Out-patient.

Q. What was your frequency of your treatment at Shawnee Hills?

A. I went -- one month I went about two times. And after that I'm quite sure, but don't quote me, but it was pretty much every month.

Now there was times that I had to just walk in because the anxiety that I was going through because of my diagnosis, and just leaving New York, and I had nobody to converse with, compelled me to go in.

Q. You mentioned your 10 year old son. While you were in New York, was he living with you here?

A. No.

Q. Was he living with your mother or someone else?

A. He was living with his mother.

Q. When you left New York, did you move back in with the mother or did you live in the same community where your son was living?

A. Repeat that?

Q. When you moved back to West

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Williams 133

Q. When did you start treating at Shawnee Hills?

A. I think it was October of 1998.

Q. What was the nature of the treatment that you received?

A. I had problems coping with employment due to my fear of dying because of AIDS. I had a problem with interacting with people, because of my fear that they knew of my being contracted with the AIDS virus.

I had problems rearing my son, to the point where he had to seek psychiatric evaluation and help and medication. I mean, he literally had to go on medication because of what I was putting him through.

I was just in constant fear of dying, not being able to live a normal life, a life that we know to be normal. And it just was too overwhelming for me to have to endure. And having to go to Shawnee Hills was somewhat of a help.

Q. This was a facility. Did you move into the facility or was this an out-patient or in-patient facility?

J & M REPORTING AGENCY (516) 785-4690

Williams 135

Virginia after you left New York, did you move in with your son's mother or someplace else?

A. That was two questions. You asked me did I move in with his mother and I said no.

Q. Or someplace else?

A. I moved to West Virginia.

Q. Where did you live in West Virginia?

A. The first few weeks I lived at 20 West Walnut Street in Richwood, West Virginia. The address where I'm at now. From there I moved to Charleston, West Virginia, 1819 Kanawha Boulevard.

Q. You mentioned you had trouble interacting with people when you knew you had been infected with the AIDS virus. Did you tell people when you got back to West Virginia that you were HIV positive?

A. That I had the AIDS virus?

Q. You mentioned before that you had employment problems and you had a fear of dying. You further mentioned that you had difficulty interacting with people who knew you had the disease, AIDS.

J & M REPORTING AGENCY (516) 785-4690

Williams 136

MS. LINDSAY: Objection.

Mischaracterizes his testimony.

MR. SILVERSON: I'll go back then.

Q. Did you state earlier in your testimony that you had difficulty interacting with people because of the fact that you had the HIV virus?

A. Yes. But I didn't mention anything that I told them.

Q. When you got back to West Virginia, how did people know that you had the HIV virus if you didn't tell them?

A. It wasn't the point that I didn't tell them. Being here in New York, you see someone who looks sick, you immediately think that they have something. And as in my situation, you know, I thought that I looked sick. I thought my looking sick, feeling sick, was probably at that time all mental. That people instinctively thought that I was sick with something deadly.

Q. When you moved back to Charleston, West Virginia, by way of your appearance, you believed that people felt you had some type of

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Williams 138

A. No. It was my having to support a child on my own as a single parent with having undergone -- it was difficult for me to raise him, very difficult for me to raise Andre because of my fear of dying of AIDS, and my reluctance to interact with people because of those diagnoses.

Q. How did that affect Andre?

Andre's your son's name? What's his last name?

A. Andre Mecoya Williams.

Q. Are you still married to his mother, or something else?

A. I've never been married.

Q. Did you acknowledge paternity of your son?

A. Yes.

Q. You're on the birth certificate as his father?

A. Yes.

Q. You mentioned--

A. Well, I don't know. I've never seen his birth certificate, but I would imagine so. He has my last name.

J & M REPORTING AGENCY (516) 785-4690

Williams 137

deadly disease; would that be a fair statement?

A. No, it wouldn't be a fair statement.

Q. What's unfair about the statement?

A. What is unfair about it is, because I couldn't tell you what people believed. This is what I thought.

Q. You thought that because you felt you looked sick; is that correct?

A. Yes.

Q. That's what I was trying to say, Mr. Williams.

Other than going to the Shawnee Hills Clinic, did you tell your friends that you had in West Virginia or your family that you believed that you had the AIDS virus?

A. I told nobody at that time, that particular time.

Q. You mentioned having difficulty with your son during this time period?

A. Yes.

Q. You said that it was your interaction with him that might have caused some of his problems or something else?

J & M REPORTING AGENCY (516) 785-4690

Williams 139

Q. You mentioned you had difficulty supporting the child. Did you mean by that financial support or something else?

A. By emotionally, financially.

Q. Is there any family court order or what would be equivalent to a family court here in New York that's in West Virginia that required you to support your child?

A. No, never.

Q. In the past, had you supported your child financially?

A. Yes.

Q. In what manner?

Is there a monthly payment that you would make or something else?

A. You would have to clarify what you mean by that. During what period?

Q. Your son is ten years old. In the ten years that he was born, did you make child support payments to his mother during that ten-year period, at any time?

A. I gave his mother money. I wouldn't call it child support. Because he's my child, I have to take care of him. I mean,

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1 Williams 140  
 2 usually child support is something that is  
 3 ordered by the court for you to pay.  
 4 Q. That's what I was referring to, but  
 5 you said that--  
 6 A. No. I never had a court order to  
 7 take care of any of my children.  
 8 Q. You took care of them?  
 9 A. On my own.  
 10 Q. In terms of support, did this in  
 11 some way affect your emotional being at that  
 12 time, either the failure to support him or  
 13 having to support him in some way?  
 14 A. Prior to the diagnosis given to me  
 15 by St. Clare's Hospital and Health Center, I've  
 16 never had a problem taking care of my son  
 17 financially, nor in any other capacity. It  
 18 became very strenuous upon me after the  
 19 diagnosis, because this was something that was  
 20 not common for me to have to undergo.  
 21 Q. What's the date of birth of your  
 22 child?  
 23 A. July 1, 1986.  
 24 Q. In terms of income and support for  
 25 the child, on the average, in the years that you

J & M REPORTING AGENCY (516) 785-4690

1 Williams 141  
 2 did support him, what was the average payment  
 3 that you would make on an annual basis for his  
 4 support?  
 5 A. I couldn't give you a figure.  
 6 Q. From, I guess, other than the years  
 7 you were in correctional facilities and I just  
 8 want to jump to another area, you made a claim  
 9 for lost wages in your claim against the  
 10 hospital. I assume that you're only accounting  
 11 for those years that you were in the working  
 12 world, which would mean, I guess, '96 through  
 13 the year 2000, and then I think you had been  
 14 imprisoned again until 2005.  
 15 So for those four or five years, what was  
 16 your annual income, for example, in the year  
 17 1996, if you know?  
 18 A. I don't know.  
 19 Q. How about in 1997?  
 20 A. I don't know.  
 21 Q. 1998?  
 22 A. I don't know.  
 23 Q. 1999?  
 24 A. Again, I don't know.  
 25 Q. Do you have any records, either by

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1 Williams 142  
 2 way of a W-2 statement or notations of the  
 3 amount of money that you made during those  
 4 years?  
 5 A. At that time in my life I was never  
 6 one to keep documentation of anything.  
 7 MR. SILVERSON: I've asked the  
 8 question about tax returns. We've asked  
 9 for copies of them, whether you filed  
 10 them late, or not at all or amended them.  
 11 If you do have tax returns for those  
 12 years, again, I make a request for their  
 13 production.  
 14 Q. Is there anything other than that  
 15 I've asked you about that you can substantiate  
 16 your income loss for those years?  
 17 A. Other than having to grab a pen and  
 18 paper and trying to figure out correctly, that's  
 19 the only way.  
 20 MR. SILVERSON: I'll leave a space  
 21 in the transcript. If you can come up  
 22 with a computation for those years,  
 23 please fill in the blanks for those years  
 24 and, if not, indicate that you can't.  
 25 (INSERT):

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1 Williams 143  
 2  
 3 MS. LINDSAY: Objection.  
 4 MR. GELLER: I'll just note for the  
 5 record that there was a request by  
 6 counsel.  
 7 Q. In terms of expenses, during that  
 8 time period from the time you were diagnosed at  
 9 Spellman in '96 through '97 while you were there  
 10 and thereafter, have you had any out-of-pocket  
 11 expenses that hasn't been covered by either  
 12 Medicaid, Social Security or insurance?  
 13 In other words, cash out of your pocket,  
 14 money you've had to layout for doctors and  
 15 medicines?  
 16 A. For what time period?  
 17 Q. From the time period you were  
 18 diagnosed with the HIV and then afterwards, from  
 19 1997 up and through the present.  
 20 A. Yes. The amount, I couldn't tell  
 21 you what it was.  
 22 Q. Do you have an approximation of the  
 23 amount?  
 24 A. I would say maybe \$1,500 to \$2,000.  
 25 And these bills were paid for by my mother at

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1 Williams 144  
2 Shawnee Hills.  
3 Q. Mr. Williams, I'm not talking about  
4 that. I'm talking about in total. As a basis  
5 of this lawsuit, you are asking for a sum of  
6 money to be compensated for the negligence and  
7 the injuries that you incurred.  
8 I'm just trying to find out how much  
9 you've lost in terms of monies you had to pay  
10 for things related to your medical condition?  
11 A. I couldn't give you a figure on  
12 that.  
13 Q. Again, if you have documentation  
14 for it, we'd ask that you produce it or I'll  
15 leave a space and you can do the computation, as  
16 long as you explain how you arrived at the  
17 number so we can see how you came to the number.  
18 Would that be fair?  
19 A. Yes.  
20 (INSERT)  
21 Q. Are there any liens against you by  
22 way of insurance or Medicaid or Social Security,  
23 liens that you know of?  
24 A. No.  
25 Q. Now back to Shawnee Hills. Who was

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1 Williams 145  
2 Q. Did that indictment result in a  
3 conviction?  
4 A. Yes.  
5 Q. What were you convicted of?  
6 A. I was convicted of abduction.  
7 Q. Did you plead guilty or were you  
8 convicted after trial?  
9 A. After trial.  
10 Q. Were you sentenced to prison?  
11 A. Yes.  
12 Q. What was your sentence?  
13 A. No less than 1, no more than 10  
14 years.  
15 Q. Was this a conviction in the State  
16 of West Virginia?  
17 A. Yes. That was the first  
18 conviction.  
19 Q. Briefly, what was the accusation?  
20 A. The accusation was that I had  
21 abducted a 15-year old white girl out of the  
22 County of Nicholas, for the purposes of sexual  
23 gratification in the County of Kanawha,  
24 Charleston, West Virginia for a period of nine  
25 days.

J & M REPORTING AGENCY (516) 785-4690

1 Williams 145  
2 the doctor who you treated with at Shawnee  
3 Hills?  
4 A. I've seen several doctors there.  
5 Q. Do you have a name for me?  
6 A. No, I do not.  
7 MR. SILVERSON: Off record.  
8 (Whereupon, a discussion was held  
9 off the record.)  
10 Q. Mr. Williams, in that regard, if  
11 you could be helpful in the sense that -- you  
12 have no recollection of any name of any doctor  
13 that you treated with there?  
14 A. No, I do not.  
15 Q. Do you know the length of time that  
16 you treated there?  
17 You mentioned October of '98, until when,  
18 would you say?  
19 You mentioned months so I assume it would  
20 be more than a month.  
21 A. It was up until probably June or  
22 July of '99 that I like stopped seeing them.  
23 Q. Was there a reason that you stopped  
24 seeing them?  
25 A. I got indicted.

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1 Williams 147  
2 Q. Where were you sentenced; in what  
3 prison did you go to?  
4 A. Huttonsville.  
5 Q. Correctional Center?  
6 A. Yes.  
7 Q. While at Huttonsville Correctional  
8 Center, did you have any medical complaints  
9 while you were there?  
10 A. Constipation.  
11 Q. While at Huttonsville Correctional  
12 Center, were you still taking the antiretroviral  
13 drugs?  
14 A. No.  
15 Q. Again, if I've asked you this I  
16 apologize. When was the last time, prior to  
17 being convicted and sent to the Huttonsville  
18 Correctional facility, prior to that, when was  
19 the last time you had taken the drugs?  
20 A. I don't know. I can't exactly give  
21 you a date on that.  
22 Q. You had left St. Clara's in '97,  
23 correct, in August of '97?  
24 A. Yes.  
25 Q. Then I guess you went to West

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Williams 148

1 Virginia after that?

2 A. Yes.

3 Q. Were you treating with any medical

4 doctors there that gave you prescriptions for

5 these antiretroviral drugs?

6 A. As I said before, when I decided

7 not to take anymore drugs, I meant it.

8 Q. So then--

9 A. I got tired of being sick from

10 medication.

11 Q. So, after August 15, whenever that

12 drug supply ran out, you stopped taking them and

13 never renewed your prescriptions?

14 A. Actually, I stopped before that

15 supply ran out.

16 Q. Then the symptoms all abated or

17 stopped?

18 A. No, not -- no.

19 Q. When did the symptoms stop?

20 A. For the most part--

21 Q. I'm giving you August of '97.

22 A. For the most part, I've had

23 diarrhea maybe for about three months. Not

24 daily.

25

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(516) 785-4690

Williams 149

1 Q. After you stopped taking--

2 A. Periodically, I would have

3 diarrhea. I was constantly nauseated.

4 Q. On a daily basis, after stopping?

5 A. No, not on a daily basis. I

6 couldn't tell you how frequently it was. I

7 really didn't take a notation of it. I did have

8 the symptoms pretty much for about three months

9 afterwards.

10 Q. Symptoms meaning diarrhea?

11 A. Yes.

12 Q. Some nausea?

13 A. Yes.

14 Q. What about the abdominal pain?

15 A. All these symptoms that I gave you

16 earlier, I've experienced those very symptoms

17 for about three months, but not as intense as I

18 did when I was taking the medication. It faded

19 itself out.

20 Q. So that by stopping the drugs, the

21 symptoms became less and less and ultimately you

22 had no more symptoms after three months?

23 A. Correct.

24 Q. Then while at Huttonsville

25

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Williams 150

1 Correctional, did you have any testing for HIV?

2 A. Yes.

3 Q. What testing did you have?

4 A. The test for HIV.

5 Q. The results of those tests?

6 A. Negative.

7 Q. Was there more than one test or

8 just one?

9 A. I had the initial test and then I

10 think they gave me -- I think there was a

11 follow-up test. I'm not sure.

12 Q. Do you know when you found out that

13 you were HIV negative?

14 A. March 2004.

15 Q. Up until that time you believed you

16 were HIV positive?

17 A. I believed I was getting ready to

18 die, yes.

19 Q. When you stopped the medication in

20 1997, there was some seven years that you lived

21 with this fear?

22 A. Yes.

23 Q. During that 7-year period, from the

24 time you stopped taking the drugs, other than

25

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Williams 151

1 the blood test that you had at Huttonsville, did

2 you have any other blood test in the interim?

3 A. There were blood tests taken again

4 when the penal system takes blood. They're not

5 really -- they're not required to tell you what

6 they're taking blood tests for. At least that's

7 what they tell you.

8 Q. What I'm trying to say is, that you

9 left New York in 1997, so in--

10 A. I left New York in 1998.

11 Q. In '98, all right. So you start

12 going to Shawnee Hills for psych problems?

13 A. Correct.

14 Q. And things with your son?

15 A. Correct.

16 Q. While at Shawnee Hills, did they

17 administer blood tests to test for HIV?

18 A. While at Shawnee Hills?

19 Q. Yes.

20 A. No.

21 Q. Did you ever tell them at Shawnee

22 Hills that you had been diagnosed as HIV

23 positive?

24 A. Yes.

25

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Williams 152

Q. That's why they were treating you basically, isn't that true?

A. They were treating me because I was depressed.

Q. Because of the fact that you were HIV positive, or something else?

A. No, because of the fact that I had to live with HIV.

Q. Did you talk to them about the fact that you had discontinued your medication?

A. Yes.

Q. Did they say anything in regard to that, did they give you any recommendations?

A. They tried to compel me to seek medical attention, to get back on my drugs. I didn't want to get back on something that's going to make me sick.

Q. If it kept you alive though, wouldn't that be a better alternative than to be sick?

MS. LINDSAY: Objection.  
It's hypothetical.

Q. You stopped taking the drugs, did you not?

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Williams 154

A. No.

Q. Why didn't you take such a test?

A. One, I wasn't financially able to pay for testing. Like I said earlier, I was a single parent. My first concern was taking care of my child.

Q. Who paid for the psych visits to Shawnee Hills?

A. My mother had to pay for them, because I wasn't able to.

Q. You've been in hospitals before. You know a blood test isn't like a major expense. You know that, right?

A. It's not what?

Q. It's not a major expense, a blood test.

A. I've never paid for one. So, no, I don't know.

Q. Just so I know your reason, the reason you didn't take a blood test was because you couldn't afford to pay for one?

A. That was a partial reason.

Q. The other reason?

A. The other reason, I wasn't going to

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Williams 153

A. Yes, I did.

Q. Then you stopped taking the drugs for almost seven years?

A. I stopped taking the drugs because it made me feel like I was dying.

Q. Understood. I don't--

A. Why continue something when it doesn't make you feel any better.

Q. Other than the fact the medical people you were dealing with were telling you that you should take it because it would prolong your life?

A. Like the medical people at St. Clare's that was telling me to take it. It was making me sick.

Q. Mr. Williams, at any time that you were treating at Shawnee Hills, did any of the doctors or nurses or any of the medical professionals ask you to take a blood test to confirm the fact that you had the AIDS virus?

A. At Shawnee Hills?

Q. Yes.

A. Yes.

Q. Did you take such a test?

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Williams 155

take any medication, once you take a blood test they see your viral load and it confirms -- I wasn't about to take anymore medication that was going to have me stay in the state that I left New York in, sick.

Q. So despite the doctors requesting you, you refused, is that fair?

A. Again--

Q. For the reasons that you gave?

A. Right.

Q. In terms of your general health, when you stopped taking the medication, you got better, didn't you?

In other words, you didn't have the symptoms that you were having after that initial three months of--

A. Right.

Q. Your general health was better, was it not?

A. No.

Q. It wasn't?

A. No.

Q. What was wrong with your health?

A. I was still psychologically

J & M REPORTING AGENCY (516) 785-4690

Williams 156

1 damaged.

2

3 Q. I'm talking about your physical

4 health. In other words, you had been gaining

5 weight?

6 A. Yes.

7 Q. You weren't getting colder?

8 A. No, I was not.

9 Q. You never had pneumonia or anything

10 like that?

11 A. No.

12 Q. You didn't feel fatigued?

13 A. I still had a little bit of

14 fatigue, but that was, in part, due to probably

15 the stress and lack of sleep, but I still felt--

16 Q. Despite the fact that your body,

17 your physical body, was getting better or seemed

18 to be getting better, you still had this fear

19 that you still had the AIDS virus and that you

20 were going to die?

21 A. Yes.

22 Q. Other than the refusal to take the

23 blood test at Shawnee Hills, did you seek any

24 other medical treatment in 1998 regarding your

25 condition?

J &amp; M REPORTING AGENCY

(516) 785-4690

Williams 158

1 after I got to West Virginia until -- I can't

2 really remember the dates.

3 Q. Did you work for him for more than

4 a year?

5 A. I don't know. It didn't take long

6 to construct a Holiday Inn Express. That's what

7 we was constructing.

8 Q. Six months?

9 A. Less than that. Right after I left

10 there--

11 Q. Let me ask you some questions about

12 that. What kind of work did you do for Clyde

13 Hyde; was it physical labor?

14 A. Actually, it wouldn't be considered

15 physical labor, because I was doing drywall

16 and--

17 Q. You weren't sitting at a desk is

18 what I meant?

19 A. No.

20 Q. You were using your hands to build

21 something?

22 A. Yes.

23 Q. You were installing drywall,

24 spackling and taping and painting, things like

25

J &amp; M REPORTING AGENCY

(516) 785-4690

Williams 157

1 A. After Shawnee Hills tried to compel

2 me to take blood tests and to start treatment

3 again, I lost faith in the medical profession.

4 Because why continue to have someone take

5 medication if it involves killing you over. So,

6 no.

7 Q. You didn't have any further medical

8 treatment?

9 A. I didn't have any further desire to

10 deal with people in the medical profession, not

11 unless it was absolutely necessary.

12 Q. What kind of employment, if any,

13 did you have from that time period in 1998 going

14 forward; did you have a job?

15 A. Yes.

16 Q. What kind of job?

17 A. I worked for a construction company

18 out of Jane Lew, West Virginia. The name of the

19 construction company was Clyde Hyde Construction

20 Company. Don't quote me on it, but that's what

21 I'm quite sure what the name was. I know his

22 name was Clyde, and his last name is Hyde. Kind

23 of ironic that it rhymes. He was out of Jane

24 Lew, West Virginia. I stayed there from shortly

25

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Williams 159

1 that?

2 A. Yes.

3 Q. Did you work consistently for him

4 during the time period that you were there; in

5 other words, you were able to do the job?

6 A. Yes. Until a certain period.

7 Until certain things came upon me, yes.

8 Q. What things came upon you?

9 A. Like interaction with people on a

10 large scale. Whenever it comes down to my

11 having to interact with other people, because of

12 my diagnosis given to me by St. Clare's, it

13 threw me into a tailspin. I couldn't achieve

14 anything more, because now the issues of my

15 being infected was a problem. I couldn't

16 interact and eventually I had to give up my job

17 because of that.

18 Q. You said interaction on a large

19 scale?

20 A. Yes.

21 Q. Did you have a disagreement with

22 somebody on the job?

23 A. No, it wasn't that.

24 Q. With your employer?

25

J &amp; M REPORTING AGENCY

(516) 785-4690

1 Williams 160  
 2 A. It wasn't that.  
 3 Q. Can you tell me what it was?  
 4 A. I'll tell you exactly what it is.  
 5 Living with the virus, you just can't live a  
 6 normal life. You know, you have to be  
 7 conscious, you know, if you bleed, you don't  
 8 want anyone to come near that blood, because if  
 9 they have an open wound they can become  
 10 infected. You can't have a normal relationship.  
 11 So it's just best to be abstinent, celibate.  
 12 Q. You said you weren't with any women  
 13 at that time?  
 14 A. I haven't been with any women from  
 15 the time St. Clara's gave me those results until  
 16 the time that I was released on August 8 of  
 17 2005.  
 18 Now, when I say that interaction on a  
 19 larger scale, I mean I began to get too much  
 20 attention from female counterparts, which would  
 21 cause problems. Because I know that I couldn't  
 22 function on a normal level, like other people in  
 23 a relationship.  
 24 Q. What does that have to do with you  
 25 working in a construction job?

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1 Williams 162  
 2 it, how would that affect your ability to work  
 3 on the job during -- I assume it was a daytime  
 4 job?  
 5 A. It was a daytime job.  
 6 Mr. Silverson, I don't think you're  
 7 familiar with construction work. I'll give you  
 8 a little preamble here.  
 9 Q. But whether I'm familiar with it or  
 10 not--  
 11 A. Because when people work some  
 12 construction, during breaks and during lunch  
 13 hour, other people are around, people like your  
 14 friends and stuff.  
 15 MR. SILVERSON: Off the record.  
 16 (Whereupon, a discussion was held  
 17 off the record.)  
 18 MS. LINDSAY: Can I have the  
 19 question read back, please.  
 20 (Whereupon, the prior question was  
 21 read back by the reporter.)  
 22 Q. If you would like to tell me,  
 23 that's fine.  
 24 A. Trying to work with people in a  
 25 small company like Clyde Hyde Construction,

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1 Williams 161  
 2 A. This was where a lot of the  
 3 meetings would go on. Other guys work there,  
 4 their friends come with their friends, their  
 5 wives come with their friends, making inquiries  
 6 about me. My giving them the cold shoulder  
 7 didn't sit well, not only with the females but I  
 8 was beginning to experience accusations of being  
 9 gay, you know, because of my lack of  
 10 association.  
 11 You have to understand. I'm in West  
 12 Virginia and it's not like the city here. It  
 13 was very hard for me to associate with people,  
 14 knowing that I could be stigmatized because of  
 15 the disease I have.  
 16 Q. Did you tell anybody at Clyde Hyde  
 17 that you were HIV positive?  
 18 A. I told no one.  
 19 Q. You said your health was getting  
 20 better, you had been physically able to do the  
 21 job and gain some weight. I gather you didn't  
 22 look sick anymore?  
 23 A. That's not the point of looking  
 24 sick.  
 25 Q. How would that, if you can explain

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1 Williams 163  
 2 you're interacting with their family members,  
 3 with their friends and wives and everything  
 4 else. When an individual is single, people in  
 5 West Virginia feel that they have to do their  
 6 little Christian duties and hook you up with  
 7 someone and things of that nature. I couldn't  
 8 go to that level. It creates a problem.  
 9 Q. So, was that the reason you left  
 10 the job, or something else?  
 11 You mentioned this large scale thing. It  
 12 must have been your opinion, that's a large  
 13 scale thing?  
 14 A. One thing led to another. My being  
 15 antisocial then, it didn't really matter whether  
 16 I was a single father or not. I was still  
 17 classified as gay. The next thing, I was a  
 18 racist. It just went on and on and on.  
 19 Q. I'm going to ask you a question  
 20 about racist. Were your co-workers Caucasian or  
 21 black or mixed?  
 22 A. I was the only African-American man  
 23 in the county.  
 24 Q. Was it an expressed racism towards  
 25 you or something subtle you felt?

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Williams 164

1 Williams

2 A. It was both expressed and subtle.

3 You know, especially when a lot of the females

4 that my boss and his sons tried to hook me up

5 with were their friends. They felt that I had a

6 great disposition of their character and I

7 should be with someone, I suppose, and my being

8 antisocial -- in fact, I can remember a time

9 where I literally told them I don't want to get

10 involved with you, period. This created a

11 problem because, you know, here they're giving

12 me employment. Not only are they giving me

13 employment, we eat lunch together. Now their

14 friends are coming over. Now I stopped eating

15 with them, I stopped socializing--

16 Q. Were you the only black man on the

17 job?

18 A. Not only was I the only black man

19 on the job, I was the only black man in the

20 county.

21 Q. The social engagements that they

22 were going to hook you up with, these must have

23 been women from outside the county somewhere?

24 A. What?

25 Q. Some of the women that they wanted

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Williams 166

1 Williams

2 Q. I see.

3 A. Not them.

4 Q. That you didn't want to date other

5 than someone of your own race?

6 A. That wasn't the issue. Had I

7 wasn't--

8 Q. In fear of this?

9 A. Right, you know.

10 Q. You left Clyde Hyde; right?

11 A. Yes.

12 Q. This is in what time period; this

13 is in '99 sometime?

14 A. This is '98.

15 Q. What was your next job after that?

16 A. L & J Construction.

17 MR. SILVERSON: Just so we don't

18 have to go through this, have we

19 requested--

20 MR. GELLER: You've requested the

21 records--

22 MR. SILVERSON: --for L & J, all

23 these companies that he's mentioned?

24 MR. GELLER: Yes.

25 A. Yes.

J &amp; M REPORTING AGENCY

(516) 785-4690

Williams 165

1 to introduce you to, their friends, were these

2 African-American women or white women?

3 A. No, white women.

4 Q. In terms of the -- and again, I'm

5 not going to go into this much -- you said there

6 was this sort of underlying racism. If they

7 were trying to encourage you to date or to seek

8 and have social interaction with the white

9 women, why would that be racial in your opinion?

10 A. Because I wasn't interacting with

11 them. The racial part was on my behalf, not

12 theirs.

13 Q. Obviously, if the white women had

14 no problems with dating a man of another race or

15 color, how would that be antisocial or racist in

16 any way?

17 MS. LINDSAY: I think you're--

18 MR. GELLER: I think you're

19 mischaracterizing his testimony. Give

20 him a chance to explain.

21 Q. Please, explain.

22 A. The thing of it is, since I didn't

23 want to socialize with them, I was the one who

24 was considered the racist.

25

J &amp; M REPORTING AGENCY

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Williams 167

1 Q. So L & J was what type of work and

2 where was it?

3 A. L & J Construction was based in

4 Charleston, West Virginia.

5 Q. Charleston is a good distance away

6 from Jane Lew?

7 A. Yes. Jane Lew. Of course. Jane is

8 J-A-N-E. Lew is L-E-W.

9 Q. What type of work did you do for

10 L & J?

11 A. They hired me to do a foundation

12 with rebar. Since that particular duty required

13 very little manpower and it didn't take long,

14 they gave me other duties, such as plastering

15 and drywall.

16 Q. They paid you by check each week?

17 A. L & J?

18 Q. Yes.

19 A. 40 hours, by check. Yes. Anything

20 over was--

21 Q. How long did you work for them,

22 roughly, in terms of time, into 1999?

23 A. Into and towards the end of '99,

24 yes.

25

J &amp; M REPORTING AGENCY

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1 Williams 168

2 Q. So that was a little bit longer of

3 employment than you had with Clyde Hyde?

4 A. Actually, I would say L & J -- I

5 started at L & J just before Christmas of '98.

6 I worked there until midsummer of '99.

7 While I was employed at L & J, I took on

8 a second job at Fifth Quarter Restaurant.

9 Q. That's sounds like a place you go

10 after a football game?

11 A. No. Fifth Quarter was prime rib

12 and lobster. West Virginians consider that a

13 five-star restaurant.

14 MR. SILVERSON: Off the record.

15 (Whereupon, a discussion was held

16 off the record.)

17 Q. What did you do there?

18 A. I was a cook. So I worked

19 construction in the daytime, then I cooked at

20 night.

21 Q. How many days a week did you work

22 as a cook, weekends?

23 A. I worked full-time there.

24 Q. How long did you work at Fifth

25 Quarter?

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1 Williams 170

2 course that I could have led my life was

3 hindered because of the diagnosis that I was

4 given while in New York.

5 Q. Did you have any concern while

6 being a cook for a restaurant, that because you

7 were HIV positive that you could cause infection

8 to other persons?

9 A. How?

10 Q. I'm asking you.

11 A. I didn't have no concerns at all

12 about that.

13 Q. Did you tell anyone at the Fifth

14 Quarter that you had been diagnosed HIV

15 positive?

16 A. No, I did not.

17 Q. How many months did you work for

18 them, roughly, if you know?

19 A. Several. Exact, I don't know.

20 Q. Why did you leave?

21 Is it because of this that you wanted to

22 leave or did they ask you to leave?

23 A. Oh, no. I don't recall being

24 terminated from any employment in West Virginia.

25 Q. You left voluntarily from Fifth

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1 Williams 169

2 A. I worked at Fifth Quarter until

3 interaction with the waitresses became a

4 problem.

5 Q. When you say interaction -- you've

6 used that a couple of times, what do you mean by

7 interaction?

8 A. Anytime people are ready to

9 socialize with me on another level that can lead

10 to intimacy, I have to back off. I know what

11 it's like for someone to tell you, look, you

12 have AIDS, I mean HIV that can lead to AIDS.

13 To get involved with a relationship,

14 knowing that that person can contract that very

15 disease, that would be very insensitive. I

16 mean, that would be something so low. So, in

17 order to protect that person, you know, without

18 having to reveal my medical status, I just have

19 to back off.

20 In doing that, by not socializing with

21 these people, not interacting with these people,

22 you know, again, a stigma is placed upon me.

23 I'm anti-social, gay, or anything that they

24 would assume would be the problem, for me not

25 interacting with them. My life was -- the full

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1 Williams 171

2 Quarter. The L & J job ended because it ended;

3 right?

4 A. No. L & J job ended because of

5 the -- L & J had a construction site right next

6 to a hospital. The hospital was in front and

7 actually Shawnee Hills where I was going, was

8 right behind them. The nurses used to come over

9 and have lunches on some picnic benches. And

10 again, I was somewhat a popular individual.

11 Q. Popular?

12 A. I was very popular for some of the

13 female staff there and by me not wanting to

14 socialize, the pressure on the construction job

15 became unbearable, you know.

16 Q. This was due to the nurses having

17 lunch on a bench near the construction site?

18 A. Yes, because, you know, they would

19 make inquiries about me. When the other guys

20 might show an interest in them, they showed an

21 interest in me. I'm not showing no interest in

22 them. I just want to get a job done, get my

23 paycheck, go home, and sulk or whatever, but--

24 Q. It's very possible -- would you

25 agree, it's possible that maybe they could have

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Williams 172

1 considered that you were married or had a  
2 girlfriend and not interested in them for that  
3 reason?  
4  
5 A. I'm absolutely sure everyone knew I  
6 wasn't married.  
7 Q. How do you know that?  
8 A. For one, the guys on the job knew.  
9 They, like women, they gossip. No offense, they  
10 gossip. They just put your information out  
11 there. What you don't want -- what you don't  
12 want known, you just don't say it.  
13 Q. Did they know you had a ten-year  
14 old son?  
15 A. He used to come to my job site on  
16 days when he had half a day of school. On days  
17 when he had no school, because West Virginia  
18 have a lot of days where kids are just out of  
19 school and Andre was going to a Catholic school  
20 at the time, St. Anthony's. And he would come  
21 over to my job. And, yes, people knew that I  
22 was a single parent. And they knew that I was  
23 single. In fact, I remember times when Andre  
24 was already posed that question, is that your  
25 father? Yes, that's my dad. Does he have a

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Williams 174

1 was given at St. Clare's. So he had to  
2 eventually leave school in Richwood and I  
3 brought him to Charleston with me. He was  
4 enrolled in St. Anthony's Catholic School until  
5 I went to prison.  
6 Q. Then he went back?  
7 A. To Newport News.  
8 Q. After you left Fifth Quarter and  
9 the job ended at L & J, where did you go next?  
10 This is midsummer of '99 and I think  
11 you--  
12 A. I quit L & J and I went to TNS  
13 Telecommunications. TNS stands for Taylor  
14 Nielsen, Sofries, S-O-F-R-I-E-S.  
15 Q. What type of business is that?  
16 A. Telecommunications.  
17 Q. What did you do for them?  
18 A. I took surveys regarding politics,  
19 sports, new products on the market.  
20 Q. Was this on the telephone?  
21 A. Telemarketing.  
22 Q. How long did that job last or how  
23 long did you stay there?  
24 A. This was one of the jobs where I

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Williams 173

1 girlfriend, no.  
2 Q. They would ask that of your son?  
3 A. They would ask that of my son.  
4 Q. Your son was living with his mother  
5 at that time?  
6 A. No.  
7 Q. With someone else?  
8 A. With me.  
9 In the beginning, when he first came to  
10 West Virginia -- when I went to Newport News to  
11 get him, he was going to school in Richwood,  
12 West Virginia.  
13 Q. Newport News, isn't that in  
14 Virginia?  
15 A. That's in Virginia.  
16 Q. That's where he was living?  
17 A. With his mother.  
18 He was going to school in Richwood, West  
19 Virginia. When the problem of my mental  
20 problems got, you know, as bad as it did--  
21 Q. This was in '98?  
22 A. Right. He was going to school in  
23 Richwood. He began to exhibit problems from the  
24 pressure that I was on from the diagnosis that I

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Williams 175

1 worked around a lot of females. So there has  
2 been times that I've taken off days at a time to  
3 regroup. But I worked there. I stayed there  
4 for -- say, I got sentenced about February of  
5 2000.  
6 But there were times when I didn't go to  
7 work and I would go to work at another place  
8 called Ready Labor. Ready Labor was more  
9 conducive to my situation, because I was always  
10 out working in remote areas.  
11 Q. Just so I'm clear, the  
12 telecommunications job, this wasn't out of your  
13 home, it was a location, a business location?  
14 A. Yes, it was. It was in the heart  
15 of Charleston, West Virginia.  
16 Q. It was an office?  
17 A. Yes.  
18 Q. Did you have cubicles where you  
19 would make your calls from?  
20 A. Yes.  
21 Q. You said, if I'm understanding you  
22 correctly, that you had this interaction problem  
23 again with females at the job?  
24 A. Yes.

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1 Williams 176

2 Q. Then wanting to date and you didn't  
3 want to?

4 A. It's not that I didn't want to. I  
5 really wanted to, but I couldn't.

6 Q. You felt because of the HIV  
7 positive situation, you didn't want to get  
8 involved or have a social interaction or a  
9 physical interaction with any of the females?

10 A. That is correct.

11 Q. That caused you to leave the job  
12 from time to time, as you call it to regroup?

13 A. Yes.

14 Q. When you say regroup, did you seek  
15 medical attention or psychological counseling?

16 A. No.

17 Q. Other than the time that I was  
18 going to Shawnee Hills. There was a time that I  
19 did go to Shawnee Hills and no one was there to  
20 see me, but I think it was probably because my  
21 mom didn't pay the medical bill or something,  
22 that it went delinquent or something to that  
23 affect. Then they had referred me to call  
24 Alliance, a place which I never went. This was  
25 while I was at TMS.

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1 Williams 178

2 read back by the reporter.)

3 A. Did I miss a lot of times because  
4 of illness?

5 MR. GELLER: Off the record.

6 (Whereupon, a short recess was  
7 taken.)

8 MR. SILVERSON: Read the question  
9 back.

10 (Whereupon, the prior question was  
11 read back by the reporter.)

12 A. No, I was not missing a lot of  
13 times because of illness.

14 Q. When did you leave Taylor, Nielsen  
15 & Sofries?

16 A. I said earlier that it was in  
17 February of 2000, but it wasn't 2000, it was in  
18 '99. But it wasn't -- it was in '99. Because I  
19 recall, after I started working with Ready  
20 Labor. That was the place where I focused my  
21 employment at.

22 Q. What did you do for Ready Labor?

23 A. Labor.

24 Q. Construction jobs or something  
25 else?

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1 Williams 177

2 Q. The Shawnee Hills experience that  
3 you had, where they wanted you to take the blood  
4 test and you refused to take it. After that,  
5 you did go back to them from time to time to get  
6 counseling?

7 A. I needed it, yes.

8 Q. Did they ask you to take the blood  
9 test again?

10 A. No.

11 Q. Did you take any blood test in the  
12 year 1999 at all?

13 A. No.

14 Q. In terms of your physical health,  
15 was that staying pretty stable at that point, in  
16 the year 1999?

17 In other words, you weren't getting  
18 frequent infections, you weren't sick with a  
19 cold or flu-like symptoms or anything of that  
20 nature, missing a lot of time from work because  
21 of illness?

22 A. Repeat that.

23 MR. SILVERSON: Could you read that  
24 back.

25 (Whereupon, the prior question was

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1 Williams 179

2 A. Whatever was required. It was  
3 always physical labor.

4 Q. Was it a full-time job?

5 A. It could have been. But I didn't  
6 work full-time.

7 Q. When you say not full-time, what do  
8 you mean; how many hours a week did you work for  
9 Ready Labor?

10 A. 24 sometimes. Maybe 32.

11 Q. Was your job at one location, or  
12 did you go to job sites to do this work or  
13 something else?

14 A. Various locations.

15 Q. On this particular job, did you  
16 have any trouble with the job or did you leave  
17 of your own accord?

18 A. No. I don't understand your  
19 question.

20 Q. How long did you work for Ready  
21 Labor; you said you started in '99, sometime?

22 A. I started sometime towards the end  
23 of '99.

24 Q. How long did you work for them?

25 A. Just before the time I went to

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Williams 180

1 prison.

2

3 Q. Which was?

4 A. In March.

5 Q. March of 2000?

6 A. Yes.

7 Q. That was the reason for leaving the

8 job, I assume?

9 A. Yes.

10 Q. Prior to going to prison -- I

11 assume you were indicted and had a trial

12 somewhere between late '99 and March of 2000?

13 A. My trial was when?

14 Q. If you went to prison in the year

15 2000, March of 2000 -- by the way, are you sure

16 about that?

17 A. Yes.

18 Q. You're sure it wasn't 2001?

19 A. In 2001 I was already in prison for

20 a year or better.

21 Q. I'm just referring to my records,

22 it seems to have something different.

23 During the course of time between the

24 time you left Ready Labor and went to prison,

25 were you under the care of any doctor?

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Williams 182

1 Q. Would you say that your physical

2 health, I'm not talking about your emotional

3 state, but your physical health from October of

4 '98 to March of 2000 was generally good?

5 A. Generally good.

6 Q. When you went to Huttonsville

7 Correctional Center in 2000, did they do an

8 intake medical examination?

9 A. All facilities take an intake

10 examination.

11 Q. Is a blood test part of that

12 examination; urine test, blood test?

13 A. I know they took a urinalysis.

14 Yes.

15 Q. How about a blood test?

16 A. I don't recall a blood test, no.

17 Q. Did you tell the people at the

18 intake, I assume you talked to somebody about

19 your medical history, medical problems, since

20 you were going to be incarcerated for a period

21 of time, did you tell them about the fact that

22 you had been diagnosed with HIV positive?

23 A. No.

24 Q. Is there a reason that you didn't

25

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Williams 181

1 A. No.

2 Q. Would it be fair to say Mr.

3 Williams, that other than the Shawnee Hills

4 Center or facility and your some treatments that

5 you had there, that you never treated with

6 another physician up until the time of your

7 incarceration?

8 A. You are losing me.

9 Q. From October of '98 when you went

10 to Shawnee Hills, you had some consultations and

11 this thing about the blood test. After that, up

12 until the time you went to prison in March of

13 2000, you never saw a doctor for any major

14 medical condition or--

15 MS. LINDSAY: Objection to form.

16 Q. Did you see a doctor at all from

17 the dates of October 1998 to March of 2000,

18 other than doctors at Shawnee Hills?

19 A. No.

20 Q. Did you take any prescribed

21 medication other than that which might have been

22 prescribed for you at Shawnee Hills between 1998

23 and 2000?

24 A. No.

25

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Williams 183

1 tell them that you had been diagnosed HIV

2 positive?

3 A. Yes.

4 Q. What's the reason?

5 A. This is lengthy.

6 Q. It's your examination. Whatever

7 you want.

8 A. You don't tell people, just

9 anybody, your medical condition, because it

10 doesn't stay in the confidence of just them. It

11 gets around the whole facility. And fortunately

12 for me I was apprised of this dysfunctional

13 professionalism about the institution before I

14 got there. So I knew best to just keep my mouth

15 shut. However, it didn't help, because it was

16 already out that I had been HIV positive or was

17 HIV positive.

18 Q. When you say it was already out, I

19 don't follow you. Out in the prison already?

20 A. Yes.

21 Q. If you didn't tell anybody and you

22 didn't tell them, how would they know?

23 A. Nicholas County Circuit Court.

24 Q. It's the name of a courthouse. Was

25

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1 Williams 184  
2 that where you were tried?  
3 A. That where was I had my first  
4 trial, yes.  
5 Q. There was more than one trial?  
6 A. Yes.  
7 Q. Regarding the same case?  
8 A. Yes.  
9 Q. One trial there was a hung jury and  
10 you had to be retried?  
11 A. No. First trial was for the  
12 abduction. And the second trial was for third  
13 degree sexual assault.  
14 Q. During the course of that trial,  
15 did it come out that you were HIV positive?  
16 A. In the course of that trial, I  
17 tried to put forth to the Court that it was  
18 impossible for me to have had any intimate  
19 relations with this 15 year old Caucasian girl  
20 for the numerous times that she has alleged.  
21 And to prove this, I asked the court to give  
22 this -- to allow an order to take a blood test.  
23 The prosecution stated that it's  
24 irrelevant, because it takes several years for  
25 antibodies to be shown in the blood of an

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1 Williams 186  
2 defense?  
3 A. I don't understand that.  
4 Q. Was there medical evidence offered  
5 at either trial, to show that you were HIV  
6 positive?  
7 A. The only evidence that I presented  
8 to the court was at my sentencing hearing in the  
9 first trial. And that was the buried paperwork  
10 that I got from St. Clare's Hospital and Health  
11 Center. Though sent me my medical records, what  
12 they considered to be my medical records at the  
13 time.  
14 Q. Such as what we have here today,  
15 the hospital record?  
16 A. It wasn't quite as--  
17 Q. There was something that came from  
18 St. Clare's?  
19 A. Yes.  
20 Q. At or before your sentencing?  
21 A. No, before the sentencing.  
22 Q. So the judge or whoever, the  
23 probation department could take a look at--  
24 A. I purposely had it for the judge to  
25 look at.

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1 Williams 185  
2 alleged victim and that since the jury of  
3 Nicholas County had already came back of verdict  
4 of guilty, that the court should go ahead and  
5 impose sentence.  
6 When the court imposed sentence, they  
7 made sure that they put on top of the folder  
8 that Mr. Jimmie Meccya Williams is to be handled  
9 with caution, double latex gloves. This  
10 information was forwarded to the prison even  
11 before I got there. Which meant that a large  
12 portion of the inmate population knew of me  
13 before I even got there.  
14 Q. Did you testify in the trial?  
15 A. Which one?  
16 Q. The first trial, the abduction.  
17 A. No.  
18 Q. Did you testify at the second  
19 trial?  
20 A. I represented myself.  
21 Q. Did you testify?  
22 A. Absolutely not.  
23 Q. Was there any evidence at either  
24 trial put forward to show that you were HIV  
25 positive, either by the prosecution or the

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1 Williams 187  
2 Q. The reason being that it showed  
3 that you were with HIV positive.  
4 A. I could not have had--  
5 Q. If you had relations with the girl  
6 it would have shown positive on her, that was  
7 your argument?  
8 A. Yes. Because it was alleged that  
9 we have been involved 3 -- 4 to 5 times a day.  
10 4 to 5 times makes 36 to 45 times.  
11 Q. That's Nicholas County, West  
12 Virginia?  
13 A. Yes.  
14 Q. That would be people against?  
15 A. No, not the people. The state of  
16 West Virginia versus Jimmie Meccya Williams.  
17 Q. So that when you got to  
18 Huttonsville you're claiming that they already  
19 knew that you were HIV positive?  
20 A. A large portion of the population,  
21 yes.  
22 Q. Yet, you never told anyone at the  
23 intake that you were?  
24 A. Never.  
25 Q. Despite the fact that it was double

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1 Williams 188  
 2 gloved stamped on your file?  
 3 A. Yes.  
 4 Q. Did anyone ask you about the reason  
 5 that it was stamped, either a doctor or any of  
 6 the nurses there?  
 7 A. No.  
 8 Q. Did you give them any medical  
 9 history about your past medical conditions at  
 10 all?  
 11 A. Several years later, yes.  
 12 Q. In 2000 you did not?  
 13 A. 2001, 2002, 2003 and first brief  
 14 part of 2004 I never told anyone anything. I  
 15 never gave them any documentation of anything.  
 16 Q. By the way, did you, by virtue of  
 17 your conviction and the fact that you were going  
 18 to offer that you wanted the woman to take a  
 19 blood test, that you in fact admitted having  
 20 sexual relations with the person?  
 21 A. Excuse me?  
 22 Q. At your trial, in Nicholas County,  
 23 by virtue of the fact that you wanted the judge  
 24 to consider giving the victim of this crime a  
 25 blood test, you were admitting that you had

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1 Williams 190  
 2 them that you have an issue with on the outside  
 3 world is an extra class that you have to take.  
 4 I wasn't interested in taking any classes. So,  
 5 no, I did not have any problems for the last 20  
 6 years.  
 7 Q. You really weren't telling them the  
 8 truth, were you?  
 9 A. No, I was not. I was intentionally  
 10 deceiving them, because I didn't want to go  
 11 through their rehabilitative classes. In fact,  
 12 I felt I wasn't supposed to be there.  
 13 Q. The other question I have for you  
 14 Mr. Williams is that, you indicated that you  
 15 were living with this fear of dying of AIDS and  
 16 all the things that go with that, not having  
 17 interaction with females, basically isolating  
 18 yourself from people.  
 19 During the time you were at Huttonsville  
 20 Correctional Center, did you need the services  
 21 of a psychologist to help you with this  
 22 depression or had your depression gone away at  
 23 that point?  
 24 MR. GELLER: Object to the form.  
 25 Those aren't mutually exclusive.

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1 Williams 189  
 2 sexual relations?  
 3 A. No, I was not admitting.  
 4 MR. GELLER: Objection to form.  
 5 Is that a question or a statement?  
 6 MR. SILVERSON: I thought it was  
 7 question.  
 8 MR. GELLER: Could you read it  
 9 back.  
 10 (Whereupon, the prior question was  
 11 read back by the reporter.)  
 12 MR. GELLER: It was a question.  
 13 If you understand the question you  
 14 can answer.  
 15 A. I absolutely did not.  
 16 Q. Did you also not tell the people at  
 17 Huttonsville Correctional Center that you had no  
 18 prior drug use history or mental treatment?  
 19 A. Yes.  
 20 Q. What was the reason for not telling  
 21 them about your I.V. drug use with heroin and  
 22 your various depression problems over the years,  
 23 since they were asking about it?  
 24 A. I didn't need those type of  
 25 rehabilitative courses. Every thing you tell

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1 Williams 191  
 2 Q. Other than being in jail, were you  
 3 depressed as a result of the HIV situation at  
 4 Huttonsville Correctional Center?  
 5 A. Periodically.  
 6 Q. Were you depressed to the extent  
 7 that you needed to seek medical attention for  
 8 it?  
 9 A. That needs to be elaborated.  
 10 Again, certain times you just can't reveal,  
 11 certain things about yourself, because it will  
 12 be used against you.  
 13 No, I did not tell anyone. If I needed  
 14 some psychiatric evaluation or consultation, I  
 15 couldn't get it. I mean it was just not  
 16 conducive for me to do that.  
 17 Q. You hadn't been at Huttonsville  
 18 Correctional Center before this had you?  
 19 A. No.  
 20 Q. You are aware that they offered  
 21 mental health consultation, whether it would be  
 22 with a psychiatrist or a psychologist, to those  
 23 persons that were in need of it, were you not;  
 24 you were aware that those services were  
 25 available to you at the prison?

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1 Williams 192

2 A. I've been there for quite some  
3 years. I've been there for quite some years,  
4 what they considered help, I don't.

5 Q. Aren't you substituting your  
6 judgment against a medical doctor?

7 A. I'm giving you the facts that I see  
8 that other people have gone through. Facts.  
9 You do not get the type of medical attention  
10 that they say you would get when you're  
11 sentenced. No, you don't get it.

12 Q. If you are depressed and that you  
13 do seek help, to help your depression, you could  
14 have taken advantage of having some type of  
15 drugs to help you through the depression such as  
16 some type of antidepressant drug, you could be  
17 given that while you were in prison, so you  
18 wouldn't be as depressed as a result of the HIV  
19 virus.

20 MS. LINDSAY: Objection.

21 MR. GELLER: Objection.

22 Q. Mr. Williams, what I'm trying to  
23 ask you is, you had the opportunity while at  
24 Huttonsville to seek out mental health  
25 counseling and you didn't do that, correct?

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1 Williams 194

2 in segregation. If you call that assistance,  
3 then you can call it assistance, but I don't  
4 call it assistance.

5 Q. Did anyone ask you while at  
6 Huttonsville Correctional Center to take a blood  
7 test?

8 A. I was ordered by the court.

9 Q. To take a blood test at  
10 Huttonsville?

11 A. While in receiving.

12 Q. While at Huttonsville?

13 A. Yes. While in receiving.

14 Q. I'm not sure what receiving is?

15 A. It's when you go into -- when  
16 you're initially go into jail. Do you remember  
17 earlier we talked about lockdown.

18 Q. Yes.

19 A. That's considered receiving.

20 Q. So this way they were evaluating  
21 you to determine where to send you to do your  
22 sentence?

23 A. Right.

24 Q. This was probably in the early part  
25 of 2000 sometime, right?

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1 Williams 193

2 A. Did I have an opportunity -- see I  
3 would say, did I have a fair opportunity. There  
4 is always an opportunity for anything, but was  
5 it a fair opportunity. No, it was not a fair  
6 opportunity. The opportunity was there, yes.

7 Q. Had you taken advantage of that  
8 opportunity, could you have gotten some type of  
9 medication to help you with your depression?

10 A. I can't answer that.

11 Q. Because you didn't do that, right?

12 A. Not only didn't I do that, but if I  
13 did do that I don't know if they would give me  
14 the type of medical treatment that I needed.

15 Q. I guess we're running in circles,  
16 you wouldn't know that unless you tried. Was  
17 there any reason not to try that?

18 A. Yes.

19 Q. The reason was?

20 A. Many other inmates -- out of 968  
21 inmates 300 of them needed psychiatric help and  
22 didn't get it.

23 Most of the people that needed  
24 psychiatric help ended up in what they call  
25 segregation. I'm not trying to live my sentence

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1 Williams 195

2 A. I guess. I can't remember, but I  
3 remember being ordered.

4 Q. The court ordered you to take a  
5 blood test. Did you refuse?

6 A. No, you can't.

7 Q. You can't refuse?

8 A. No.

9 Q. The blood test was given to you?

10 A. They took blood.

11 Q. Do you know if part of that blood  
12 testing was to determine whether you had the HIV  
13 virus?

14 A. No, they couldn't do that.

15 The blood that was taken from you is to  
16 be in a DNA databank.

17 Q. Other than that, was there any  
18 medical request while at Huttonsville to take  
19 your blood, other than to DNA type you?

20 A. No.

21 Q. At any time during your sentence at  
22 Huttonsville Correctional Center did you seek  
23 the services of either a psychologist or a  
24 psychiatrist or any of the programs they had for  
25 psychological counseling?

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1 Williams 196  
 2 A. Can you repeat that.  
 3 MR. SILVERSON: Could you read that  
 4 back.  
 5 (Whereupon, the prior question was  
 6 read back by the reporter.)  
 7 A. Yes.  
 8 Q. When was that?  
 9 A. I couldn't recall, but it was  
 10 within the time frame that I was there. Which  
 11 is why I didn't pursue it.  
 12 I did not pursue it for the simple fact  
 13 of what I said to you earlier. You know you  
 14 start giving these people--  
 15 Q. These people, meaning corrections?  
 16 A. Yes. You start giving them  
 17 information about your having mental problems  
 18 and psychological problems, you become  
 19 segregated. And I did not want to endure any  
 20 part of my sentence under segregation.  
 21 Q. So that your answer was yes, you  
 22 started out, but you didn't seek it out?  
 23 A. Yes, I made--  
 24 Q. You made an attempt to do it and  
 25 you didn't follow through?

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1 Williams 198  
 2 A. Hmm?  
 3 Q. Did there come a time while you  
 4 were serving your sentence at Huttonsville that  
 5 you were transferred to another jail called  
 6 Southern Regional Jail?  
 7 A. No.  
 8 MR. GELLER: Can we take a break.  
 9 (Whereupon, a short recess was  
 10 taken.)  
 11 Q. Do you want to explain to me--  
 12 A. Sure. Southern Regional Jail was  
 13 years later. Southern Regional jail was  
 14 actually this year. Huttonsville didn't  
 15 transfer me. This was the only time I violated.  
 16 I was on parole. I got on parole on August of  
 17 2003. I violated it in February of this year of  
 18 2006. I was at Southern Regional Jail.  
 19 Q. During the time you were at  
 20 Huttonsville you weren't hospitalized in their  
 21 facility for any illness of any kind?  
 22 A. During my incarceration.  
 23 Q. Other than something minor?  
 24 A. During my whole bit, yes I was  
 25 hospitalized, once.

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1 Williams 197  
 2 A. I didn't follow through.  
 3 Q. It was your fear that you would be  
 4 segregated or the information would be--  
 5 A. I would be segregated or would be  
 6 moved to Quilliams, Quilliams 3, which is in a  
 7 maximum security prison at Mount Olive. It's  
 8 called AGSAG (phonetic). Those initials stand  
 9 for Administrative Segregation, AGSAG.  
 10 Q. Have you also been know by the name  
 11 of Jimmie Glover?  
 12 A. Yes.  
 13 Q. Was that another name that you've  
 14 used in your life?  
 15 A. No. Yes it was another name that I  
 16 used in my life, but that was a name that in my  
 17 childhood I was led to believe was my name.  
 18 Q. Did you use the name Jimmie Glover  
 19 as an adult?  
 20 A. I can't remember. I can't recall.  
 21 Q. So, you didn't take advantage of  
 22 this. Did there come a time when they  
 23 transferred you from Huttonsville to someplace  
 24 called Southern Regional Jail, Prime Care  
 25 Medical?

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1 Williams 199  
 2 Q. What was that for?  
 3 A. They said I fainted.  
 4 Q. Had you lost consciousness at some  
 5 point?  
 6 A. I woke up in the clinic. They kept  
 7 me there for about a week.  
 8 Q. The diagnosis was?  
 9 A. I don't know, because they don't  
 10 tell you.  
 11 Q. Did you get any medications at all  
 12 while you were there?  
 13 A. No. Excuse me, I don't recall.  
 14 Q. Did you ever have any problem with  
 15 your liver at all during the time you were at  
 16 Huttonsville Correctional Center?  
 17 A. No.  
 18 Q. You're sure of that?  
 19 A. Absolutely.  
 20 Q. Did there come a time at  
 21 Huttonsville Correctional that you received a  
 22 blood test?  
 23 A. What?  
 24 Q. Did there come a time at  
 25 Huttonsville Correctional Center that you

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1 Williams 200  
 2 underwent a voluntary HIV test?  
 3 A. Yes.  
 4 Q. Was that in April of 2004?  
 5 A. On or about.  
 6 Q. You were still having to serve out  
 7 your sentence was that right, during that time?  
 8 A. Yes.  
 9 Q. Why had you changed your mind about  
 10 having a blood test in the prison during that  
 11 time?  
 12 A. I don't understand.  
 13 Q. This was a voluntary HIV test, was  
 14 it not?  
 15 A. Yes.  
 16 Q. It wasn't court ordered?  
 17 A. No.  
 18 Q. It wasn't a doctor trying to do it?  
 19 A. Right.  
 20 Q. You volunteered?  
 21 A. Yes.  
 22 Q. Why did you volunteer?  
 23 A. During the course of my  
 24 incarceration I lived on a unit with 44 to 53  
 25 individuals. I was very germaphobic, because I

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1 Williams 202  
 2 immediately summoned a test. When he ordered  
 3 the test he called me back up. He was like, I  
 4 knew it, you are not HIV positive. So I go to  
 5 the records, the very records that I saw at  
 6 Nicholas County Court. I looked through the  
 7 records. That's when he said, somebody made a  
 8 grave error.  
 9 Q. Who was this doctor?  
 10 A. Dr. Proctor.  
 11 Q. Do you know a first name?  
 12 A. No.  
 13 Q. Just so I understand this clearly,  
 14 you want to voluntarily, he didn't--  
 15 A. Because everybody was getting sick  
 16 but me. If anybody should get sick it should be  
 17 me. I'm the one that's HIV positive.  
 18 Q. Why would that impel you to go  
 19 forward and have a test if you were safe and you  
 20 weren't sick?  
 21 A. I wasn't safe. I wasn't --  
 22 although I wasn't sick, I wasn't safe.  
 23 Q. Let me ask you this Mr. Williams.  
 24 This is four years after you were incarcerated.  
 25 The rest of the unit -- were you in that same

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1 Williams 201  
 2 didn't want to get sick. I was very conscious  
 3 of filth, because I didn't want to catch any  
 4 bacteria -- any germs and bacteria.  
 5 So I was very conscious. And during the  
 6 course of my stay on that unit, everybody got  
 7 sick. Everybody got colds, pneumonia, staph  
 8 infections.  
 9 Q. How about you?  
 10 A. I didn't.  
 11 Q. Why the blood test?  
 12 A. Because I needed to know why is  
 13 everybody getting sick. This what I posed to  
 14 the doctor, Dr. Proctor.  
 15 I went to the clinic and I asked him why  
 16 was -- how come everyone is getting sick and not  
 17 me. I asked him something to the effect, I  
 18 said, doc, everybody is getting sick but me and  
 19 I'm supposed to be the main one getting sick.  
 20 He said, like why, because I'm HIV positive. Oh  
 21 no, you are not HIV positive.  
 22 I went to explain some of the medication  
 23 that I was given and when I mentioned the  
 24 cocktail that was given to me, you know it fully  
 25 alerted him and nurse that was on duty. He

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1 Williams 203  
 2 unit all these years or was there another unit  
 3 you were in?  
 4 A. Not only was I in that unit, but I  
 5 controlled this unit.  
 6 Q. What does that mean?  
 7 A. If I didn't like you sleeping next  
 8 to me, you got to move.  
 9 If I didn't like the way you carry  
 10 yourself, if you were a filthy individual you  
 11 got to move.  
 12 Q. Was this a dormitory setup or did  
 13 you have individual cells?  
 14 A. It was a dormitory setup, but I  
 15 controlled the joint. And like I said, you had  
 16 people that come in, they were filthy, they were  
 17 like savages, they had to go to another unit.  
 18 Because I'm not going to get sick, because of  
 19 your filth. I'm not going to get sick because  
 20 of your salacious practices. If you're going to  
 21 do that, take it to another unit.  
 22 Q. When you say you controlled, did  
 23 you have a hierarchy of people -- did you sort  
 24 of unofficially have leadership there or did  
 25 somebody take a voice vote, or you just said I'm

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Williams 204

1 the man and that's it?

2

3 A. No. Actually I was officially,

4 officially -- I mean officially not only through

5 the administration by warden William Haynes

6 himself, I was on the inmate committee. I was

7 the dorm representative. So, yes, whatever I

8 said it goes. I didn't want no one next to me

9 who was sick.

10 Q. That unit that you were in, did it

11 have a name or a designation; did it have a

12 block number?

13 A. A.

14 Q. It was called unit A?

15 A. It's been so long I forgot. Dorm

16 3.

17 Q. You were in Dorm 3 from once you

18 were assessed, you remained in Dorm 3 until you

19 were let out?

20 A. I was in Dorm 3 during my entire

21 bit at Huttonsville.

22 Q. After a period of I guess it would

23 be about four years, you reached the point where

24 you felt there was such filth and contamination

25 that you needed to go and get a test?

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Williams 205

1 A. No, that wasn't it.

2 Q. Am I characterizing it improperly?

3 A. Yes.

4 Q. What I'm trying to saying is, if

5 you got in there in the beginning, after year

6 number one, was the place clean?

7 A. No, not really.

8 Q. Did it get worse in year number

9 two?

10 A. It stayed about the same.

11 Q. People were getting sick during

12 years one and two?

13 A. Yes.

14 Q. Yet, you didn't go to the doctor,

15 did you?

16 A. Actually I didn't take notice then.

17 Q. You said you were germaphobic?

18 A. Yes.

19 Q. Did that just occur in 2004 or had

20 you always been that way?

21 A. No, it occurred -- actually my

22 being germaphobic occurred after the assessment

23 of St. Clare's Hospital.

24 Q. So when you went into the prison in

25

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Williams 206

1 2000, you had this fear of getting the germs and

2 getting sick, because you believed you were HIV

3 positive. Yet, even though the conditions were

4 less than optimum or less than you liked, you

5 put up with it for four years?

6 A. Actually--

7 Q. Do you see my point?

8 A. No, I don't.

9 Because you are not really trying to see

10 the picture that I'm trying to paint here. When

11 I said that I had actually controlled the unit,

12 I mean, I actually controlled the unit. If I

13 needed disinfectants, I'd get it. If I needed

14 anything in order to satisfy my desires, my

15 needs, the counselors would get it for me.

16 MR. GELLER: I'd like to take a

17 break.

18 (Whereupon, a short recess was

19 taken.)

20 MR. SILVERSON: Repeat the last

21 question and answer, please.

22 Q. So, there came a time in 2004 that

23 you went to this Dr. Proctor and you had a test,

24 and found that you were not HIV positive?

25

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Williams 207

1 A. Right, because for four years the

2 number of people that came on Dorm 3 were

3 contracting staph infections, the flu,

4 pneumonia, cold, numerous things. And I didn't

5 contract any of this.

6 Q. That's a good thing wasn't it?

7 A. Yes, it is a good thing, but it's

8 not real good when you watch everybody get sick

9 and you're being germ phobic, you're being very

10 cautious and everyone around you is getting sick

11 but you're the one -- I'm the one who has an

12 immune deficiency.

13 Since I have an immune deficiency and I

14 am susceptible to contracting just about

15 anything at any given time, then if anyone is to

16 get sick, it should be me. Not everybody who

17 goes out there and lifts 300 pounds a day, day

18 in and day out, jogging in the winter, I should

19 be the one that's getting sick, but I'm the one

20 that is remaining most healthy

21 Q. Like I said, it's a good thing is

22 it not?

23 A. In the end, yes.

24 Q. Let's just go year by year. The

25

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1 Williams 208  
2 first year when you said that the conditions  
3 weren't very nice, they weren't good, it was  
4 filthy. You wanted disinfectant, you wanted to  
5 keep germ free. Wouldn't it have made sense to  
6 tell somebody that you were HIV positive?  
7 A. No.  
8 Q. Before that, so that they could  
9 protect you against getting infections?  
10 A. No.  
11 Q. Why?  
12 A. The reason why is, because I was  
13 already stigmatized for being HIV positive.  
14 Q. They thought you were any way  
15 because of the -- most inmates thought you were?  
16 A. And they used the term Ninja to say  
17 that I was HIV positive. Why the term, I don't  
18 know.  
19 Q. Is that a prison term meaning AIDS,  
20 or HIV positive?  
21 A. Yes.  
22 Q. Ninjas are supposed to be deadly,  
23 may be that was the reference?  
24 A. Yes.  
25 Since that I've endured those accusations

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1 Williams 210  
2 Q. Not you?  
3 A. Not me. I mean people were going  
4 to quarantine and things of that nature and not  
5 me.  
6 Q. Weren't you happy about that, that  
7 you weren't getting sick?  
8 A. Of course I'm happy about it, but  
9 the thing of it is, my immune system was  
10 compromised and I'm not getting sick, you know,  
11 I need to know why. So it took me four years to  
12 realize this and I finally decided, you know, I  
13 want to find out what's going on. I want to  
14 take a test.  
15 Q. That's when you found out that you  
16 weren't HIV positive?  
17 A. That's correct.  
18 Q. You were released from Huttonsville  
19 in August of 2005?  
20 A. Yes.  
21 Q. Did you ever end up going back to  
22 prison after that?  
23 A. I violated February of this year.  
24 Q. What was the violation?  
25 A. Leaving the state without

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1 Williams 209  
2 and stuff like that, I had to just protect  
3 myself, you know, from the environment. I had  
4 to make sure that I didn't get sick.  
5 Q. Wouldn't it have made sense at the  
6 time to tell people in the administration, since  
7 you were active in -- as you say, you were on  
8 the committee, because you were HIV positive,  
9 that the conditions were not optimal for you to  
10 be living in that kind of the condition, because  
11 of the risk of infection?  
12 A. The committee wasn't formed until  
13 late 2003, early 2004.  
14 Q. Did you tell anybody then that you  
15 were HIV positive?  
16 A. I spoke with an officer. His name  
17 was Angel, and I asked him. I told him one day,  
18 you know have you ever heard anything about --  
19 read anything in my file. He was like, no, not  
20 particularly. And he was like, why. And I had  
21 told Angel, you know that my immune system has  
22 been compromised and that if anybody should be  
23 getting sick it should be me. But at this  
24 particular time everybody was getting staph  
25 infections.

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1 Williams 211  
2 permission. Possession or consumption of  
3 marijuana, open container of alcohol, failure to  
4 report -- I mean it was like five violations and  
5 I can't remember them all.  
6 Q. Did you have to go back to  
7 Huttonsville or someplace else?  
8 A. No.  
9 Q. What happened?  
10 A. In order to go back to the penal  
11 system you have to be proven to be a threat to  
12 society. I was a full-time college student and  
13 I worked full-time. The violations that I  
14 incurred were not serious enough for them to  
15 render a decision to put me back in prison. So,  
16 they opted to giving me what I would consider a  
17 second shot.  
18 Q. Was there any administrative  
19 sanctions against you; did you have to do a  
20 certain amount of days before you were released  
21 again or they just had a hearing and that was  
22 it?  
23 A. No, we had a parole revocation  
24 hearing and an individual had conducted a  
25 hearing and she, during the course of her

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Williams 212

1 examination, the evidence that was presented

2 against me, she determines whether I am fit to

3 go back to society.

4 Q. Of the charges that you were cited

5 with, did they sustain any of the charges

6 against you at the hearing?

7 A. Well, they didn't really have to

8 sustain any of the charges against me. I pled

9 guilty to all of them, with an explanation.

10 Q. As a result of that, was your

11 parole revoked?

12 A. No.

13 Q. You were able to stay out?

14 A. I'm here, yes.

15 Q. Are you still under parole as of

16 this time?

17 A. Yes. I anticipate being on parole

18 for about a year.

19 Q. Since the test in April of 2004

20 have you had any other blood tests, HIV test for

21 HIV?

22 A. Yes.

23 Q. When was that?

24 A. I don't know. I would have to look

25

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Williams 214

1 MR. GELLER: Yes, that's right.

2 Q. How is your health generally today,

3 are you in good health; would you consider

4 yourself to be in good health?

5 A. I consider myself in good health.

6 Yes.

7 Q. Are you currently under the care of

8 a psychiatrist or a psychologist?

9 A. I'm under the care of no one.

10 Q. Are you currently employed?

11 A. Yes.

12 Q. What do you do?

13 A. I fry chickens for KFC. And I am

14 going to start doing individual home care.

15 Q. As a home care attendant?

16 A. Yes. This would comprise of

17 administering medication to a particular

18 individual named Thelma Boston. I would cook

19 her food, take her shopping, take her to her

20 doctors appointments, stuff of this nature.

21 Q. Are you being licensed for that?

22 A. I've already been certified.

23 Q. As of today you're in generally

24 good health, other than this deposition today?

25

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Williams 213

1 at that court order that you and my counsel got.

2 Q. Court order.

3 MR. GELLER: He's referring to --

4 Miss Poritz and I stipulated that he

5 should undergo further testing for HIV to

6 confirm his status.

7 MR. SILVERSON: He did.

8 Q. That test was negative;

9 correct?

10 A. Yes.

11 Q. Would it refresh your memory if I

12 said it was done in either January of '06 or May

13 of '06?

14 MS. LINDSAY: I think it was July.

15 MR. GELLER: I think, we can just

16 put on the record, so it's clear. This

17 test was done, pursuant to an order of

18 Judge Baer who is presiding over this

19 action, while at the Prime Care

20 Medical Facility, which is part of the

21 Southern Regional Jail.

22 MR. SILVERSON: That test under

23 court order was done and you received the

24 results.

25

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Williams 215

1 A. I am in excellent health. I get up

2 every morning, I do my calisthenics, once a week

3 I go jogging. I'm in fine health.

4 MR. SILVERSON: Do you have any

5 questions?

6 MR. GELLER: I don't think we have

7 anything to add right now. We ask for

8 the opportunity to review the transcript

9 and sign it.

10 MR. SILVERSON: Yes, absolutely. I

11 don't think I have anything else.

12 MR. GELLER: Maybe we'll confer for

13 a second with our client.

14 Off the record.

15 (Whereupon, a discussion was held

16 off the record.)

17 EXAMINATION BY

18 MR. GELLER:

19 Q. Mr. Williams, I would like you to

20 explain what happened after you were in

21 Huttonsville, you were released and then you

22 violated parole. Were you again incarcerated?

23 Did you understand my question?

24 A. I understand the question.

25

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Williams 216

I left Huttonsville Correctional Facility when I did I was violated for parole in February of 2006.

Q. After you were violated, were you incarcerated again as a result of the violation; yes or no?

A. Yes.

Q. Where?

A. At Southern Regional Jail.

Q. When were you released?

A. I was released October 13, 2006.

MR. GELLER: That's all.

\* \* \*

(Whereupon, the deposition is concluded on the following page to allow for a jurat.)

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Williams 218

I N D E X

WITNESS

Jimmie Meccya Williams

EXAMINATION BY PAGE NO.

Mr. Silverson 4, 216

Mr. Geller 215

E X H I B I T S

DEFENDANT'S PAGE NO.

A 81

Information To Be Supplied

17-3; 35-4; 35-17; 127-16; 142-6; 142-19;  
144-19; 166-16

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Williams 217

CONTINUED EXAMINATION BY

MR. SILVERSON:

Q. You were in from February to October -- you violated?

A. From February?

Q. '06 to October of '06?

A. Correct.

Q. Where is Southern Regional Jail?

A. Beckley, West Virginia -- excuse me, it's in Beaver, West Virginia.

MR. SILVERSON: Thank you.

MR. GELLER: Nothing further.

(Time concluded: 4:15 p.m.)

JIMMIE MECCYA WILLIAMS

Subscribed to and sworn to before me  
this \_\_\_ day of \_\_\_\_\_, 2006.

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Williams 219

C E R T I F I C A T E

STATE OF NEW YORK )

SS.: )

COUNTY OF NASSAU )

I, JOSEPH MALZENACHER, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify:

That JIMMIE MECCYA WILLIAMS, the witness whose examination before trial is hereinbefore set forth, was duly sworn by me and that such examination before trial is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 1 day of December 2006.

*Joseph Malzenacher*  
JOSEPH MALZENACHER

J & M REPORTING AGENCY (516) 785-4690

## ERRATA SHEET FOR THE TRANSCRIPT OF:

Jimmie Moeeya Williams

November 17, 2006

*Jimmie Moeeya Williams v. Todd Lazarus and St. Clare's Hospital and Health Center*

Page	Line	From	To	Reason
17	3	(INSERT)	October 1995	Insertion
28	11	Berry	Bear	Transcription error
140	23	1996	1986	Transcription error

Subscribed and sworn to before  
me this 24<sup>th</sup> day of January, 2007.

*Jimmie Moeeya Williams*  
Jimmie Moeeya Williams

*Sarah B. Cranstoun*  
Notary Public  
My commission expires on  
01/26/2016

